

+

1 EUREKA, CALIFORNIA, OCTOBER 17, 2000 - 9:00 A.M.

2 * * * * *

3 CHAIR MOULTON-PATTERSON: Good morning and
4 welcome to the October 17 meeting of the California
5 Integrated Waste Management Board.

6 Would the secretary please call the roll.

7 BOARD SECRETARY: Eaton.

8 BOARD MEMBER EATON: Here.

9 BOARD SECRETARY: Jones.

10 BOARD MEMBER JONES: Here.

11 BOARD SECRETARY: Medina.

12 BOARD MEMBER MEDINA: Here.

13 BOARD SECRETARY: Paparian.

14 BOARD MEMBER PAPARIAN: Here.

15 BOARD SECRETARY: Roberti.

16 BOARD MEMBER ROBERTI: Here.

17 BOARD SECRETARY: Moulton-Patterson.

18 CHAIR MOULTON-PATTERSON: Here.

19 We have a quorum. I would like to welcome all
20 the members of the audience, and at this time I'd like to
21 ask you please to turn off any cell phones or pagers so
22 as not to not disrupt our meeting. Thank you very much.
23 We will start with Senator Roberti on ex partes.

24 BOARD MEMBER ROBERTI: I do. I received from
25 Mr. Donald L. Wolfe, County of Los Angeles, a

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 communication regarding Los Angeles County Countywide
2 Integrated Waste Management Plan and Summary Plan and
3 Siting Element. I have received from Mr. Joseph Massey,
4 Coalition of Independent Recyclers, a communication
5 regarding implementation of container recycling and
6 litter abatement act and potential expansion of the role
7 of the California Integrated Waste Management Board.

8 CHAIR MOULTON-PATTERSON: Thank you.

9 Mr. Medina.

10 BOARD MEMBER MEDINA: Mine have been filed
11 already.

12 CHAIR MOULTON-PATTERSON: Thank you.

13 Mr. Paparian.

14 BOARD MEMBER PAPARIAN: Yes. Yesterday we met
15 with Kim Stempy of the Redding City Materials Recovery
16 Facility, just general issues affecting the City of
17 Redding. Probably should report the Arcata Food Co-Op
18 yesterday since they are on our agenda today. And then
19 finally I had an E-mail from Mandy Rhoades of San Benito
20 County regarding Item 20 and general diversion and other
21 issues.

22 CHAIR MOULTON-PATTERSON: Thank you.

23 Mr. Jones.

24 BOARD MEMBER JONES: All filed.

25 CHAIR MOULTON-PATTERSON: Mr. Eaton.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER EATON: I am also up to date.

2 Thank you.

3 CHAIR MOULTON-PATTERSON: Thank you.

4 I would also like to report we took a tour of
5 the North Coast Co-Op and met with a number of people
6 yesterday.

7 BOARD MEMBER ROBERTI: And me on that one.

8 CHAIR MOULTON-PATTERSON: Yes. Senator Roberti
9 also.

10 I just received a fax from the Partnership for
11 Environmental Progress. It's signed by Doug Perkins,
12 Executive Director, asking for consideration of used oil
13 non-profit grant awards, Agenda Item 23. He was asking
14 for our consideration, just received that.

15 BOARD MEMBER MEDINA: Madam Chair, since we're
16 making site reports, on October the 3rd I did make a site
17 visit to the Stockton Cogeneration Plant.

18 CHAIR MOULTON-PATTERSON: Thank you. We'll go
19 ahead, now that we've had all our ex partes, and Senator
20 Roberti, did you wish to make any reports?

21 BOARD MEMBER ROBERTI: I just returned from
22 speaking to a conference in Rome on solutions to waste
23 problems for the new millenium and to tell you that some
24 problems are universal, besides other things. I want to
25 say I did go to a MRF in the city of Peruja, and it's

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 very interesting.

2 They -- their slogan is 35 percent by 2003. So
3 we're ahead of them, but on the other hand they want to
4 make up for lost time and they actually all through the
5 part of Italy I was in they had eight recycling cans.
6 They recycle separately down to medical materials,
7 batteries, various kinds of metals. It seems to be
8 popularly received, although one person said her husband
9 said, "If I've go to do all the work, they should lower
10 my taxes." So they're trying to catch up and it was
11 very, very interesting and some problems are universal.

12 CHAIR MOULTON-PATTERSON: Thank you.

13 Mr. Medina, are you done with your report?

14 BOARD MEMBER MEDINA: Yes, I am.

15 CHAIR MOULTON-PATTERSON: Mr. Paparian.

16 BOARD MEMBER PAPARIAN: Yes. I had a number of
17 things happen in the last month. I also visited the
18 Stockton Cogeneration facility, the B & J Landfill
19 outside of Dixon.

20 I attended a meeting of the Desert Managers'
21 Group in San Diego. These are the state and federal
22 officials who address common concerns in the desert.
23 Among their concerns, of course, are problems associated
24 with illegal waste disposal in the desert. Along with
25 several staff people, I attended the Industrial Ecology

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 2000 Conference in Berkeley a couple weeks ago.

2 And on October 10th we held a meeting on
3 electronic wastes. This is one of my particular
4 interests. Board Member Medina attended along with a
5 number of representatives of Board staff, Cal/EPA,
6 Department of Toxic Substances Control, USEPA, and we're
7 planning to follow up to address some of the concerns
8 associated with electronic waste issues.

9 There's also a meeting coming up of the -- being
10 coordinated by the Materials for the Future Foundation on
11 November 8th having to do with infrastructure for
12 computer recycling.

13 And the last thing I wanted to report on is the
14 AB 75 plans, just so it's not a surprise to everybody, I
15 am asking that a few of them be pulled for review at the
16 November board meeting pretty much as a representative
17 sample of the types of state facilities that fall under
18 AB 75 so we can get a sense of what these plans are like
19 and what the typical types of facilities are going to do
20 to comply with AB 75.

21 CHAIR MOULTON-PATTERSON: Thank you,
22 Mr. Paparian.

23 Mr. Jones.

24 BOARD MEMBER JONES: Thanks, Madam Chair. Just
25 a couple of things.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 I think if you remember at the last meeting we
2 had some real concerns about some of the numbers coming
3 out of these new base years. I told Board Members we
4 were meeting that next day. We had that meeting. I
5 think there's still some concern about the numbers, but
6 we've got a better idea of some of those issues and where
7 some of the numbers were coming from.

8 I think probably during the next couple of weeks
9 we ought to have a discussion about possibly when we do
10 the new diversion study maybe we have a workshop prior to
11 that and let some of these professionals come in and have
12 a workshop and let's talk about how we get to these
13 numbers so we all feel comfortable about it.

14 The other thing is I couldn't make the all-staff
15 meeting, but I did dictate a little discussion to
16 Jeannine to deliver, have Karen Fish deliver at that
17 all-staff thanking everybody, Mr. Eaton and Rick Dunn and
18 Mr. Paparian and others, especially Mark Leary and Karen
19 Fish and all the folks that worked on SB 876 that the
20 Governor signed. I just want to do it in person, thank
21 everybody, TJ's group, everybody's groups for working so
22 hard to get that bill passed. I think it's kind of
23 amazing that it's the poster child of a proposition.

24 And then I was -- the reason I couldn't be at
25 that all-staff, I was at Camp Roberts with Tom Estes and

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Bill Orr and John Blue working with the Corps of
2 Engineers and the National Guard on the cleanup of Camp
3 Roberts. Camp Roberts was a facility that's been turned
4 over to the State of California. It has to go through
5 410 buildings to be deconstructed, and we've been working
6 on that process for quite a while because somebody had
7 suggested that it all go to a hazardous waste dump and it
8 would have made it just semi-cost prohibitive to follow
9 that direction.

10 So we've got all of the regulating agencies
11 working together to try to come up with a way and we
12 actually had a very fruitful day of giving some ideas on
13 ways to minimize their expenses. I bring that up because
14 the Governor has commissioned a council to look at base
15 closures in the state of California. The state of
16 California got hit hardest during the break and he wants
17 to make sure it doesn't happen again, and retired General
18 Kellogg is the head of that council who's been around
19 quite a while.

20 They had 350 people at a meeting. Everybody
21 complained about how hard it is to be competitive from
22 California, and nobody from any of the Environmental
23 Protection Agencies were there so they've asked that we
24 put some fire under some people to get them involved in
25 this and hopefully not lose potentially \$30 billion in

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 payroll and services that are spent every year at bases
2 in California.

3 And finally, I'll be leaving Saturday to go back
4 to SWANA in Cincinnati where I'm going to participate in
5 one of the keynote openings for the Solid Waste
6 Association of North America and we're going to talk
7 about how people listen. So we'll see.

8 CHAIR MOULTON-PATTERSON: You can tell us all
9 about that when you get back.

10 Mr. Eaton.

11 BOARD MEMBER EATON: Many things, but in the
12 interest of time because I know we have a time
13 constraint, I like a couple of others did decide to pay a
14 visit to Sunshine Canyon and that was a very interesting.
15 For those of you who haven't gotten there, those Board
16 Members, I would suggest it would be most instructive. I
17 know, Madam Chair, you've been there and Senator Roberti,
18 but it's really worth checking to see what their plans
19 are for expansion.

20 And then not quite the varietal wines of Italy,
21 but I did visit the Napa Valley and Joe Pestoni's
22 facility in the central Napa Valley which five or six
23 years ago really was a -- to some in the community an
24 eyesore and with funds from the Board and work done by
25 the family is turning a lot of the vines and a lot of the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 crushings into productive composting. And what they've
2 done with odor control and other kinds of things was very
3 constructive. Especially with this time of the year,
4 many of the growers are going to be starting crush
5 season, but far be it the investigative part that we're
6 really at the height of the crush and the orders are the
7 highest at this point. It was very instructive how they
8 took funds from our agency and really worked to try and
9 bring it under control and now it's one of the premiere
10 places in all the top wineries using the composting. It
11 was really a shining star amongst everything. So that
12 was very, very instructive and obviously we have a few of
13 those as they come up with odors (inaudible).

14 CHAIR MOULTON-PATTERSON: Thank you, Mr. Eaton.

15 Before I give my brief report, I just want to
16 thank all of those involved for the passage of SB 876,
17 and especially to Mr. Eaton and Mr. Jones who worked
18 tirelessly. And I know I speak for all my colleagues in
19 thanking you both. We wouldn't have had it without you
20 and Mark Leary and Rick Dunn. Mark Leary of course, TJ
21 and Karen and many, many more people. It was just a real
22 team effort. And of course we are very grateful to
23 Governor Davis for signing it. Anyway, thank you all
24 very much to all of you involved.

25 As far as my activities, I met with Tony

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Wydebrow from the North Sidney Waste Board. He visited
2 and was very impressed with everything our staff was
3 doing. Met with LEAs from the City of San Diego and the
4 City of Los Angeles. Spoke at a recycling forum in
5 Victorville and met with the Canadian delegation. They
6 were in Sacramento and also learned just a great deal
7 from our staff and had wonderful things to say about what
8 we were doing here.

9 I visited the Miramar Landfill in San Diego, met
10 with Paul Ryan and an Orange County delegation on
11 composting issues and possibilities of discussions with
12 the South Coast AQMD, which will be coming forth, and I
13 thank Mr. Jones for bringing it to my attention. Also
14 visited the MRF at Folsom Prison.

15 And lastly, attended the Governor's Conference
16 for Women in Long Beach and 10,000 women attended. It
17 was really a great event.

18 And with that, as Mr. Eaton said, we do have a
19 long agenda today. I do want to mention for those of you
20 in the audience there's speaker request forms and I
21 believe they're at the side table. If you'll fill it out
22 with the specific item or items you plan on addressing as
23 well as the item number and give it to Ms. Villa, who is
24 right over here, she'll make sure that we know of your
25 desire to speak.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 One other thing that was very interesting. I
2 did visit the Copperopolis Asbestos monofill and it was
3 very interesting.

4 We are going to go slightly a bit out of order.
5 Senator Chesbro was going to be here to welcome us.
6 Well, we'll go right into that then.

7 Good morning, Senator Chesbro.

8 SENATOR CHESBRO: Good morning.

9 CHAIR MOULTON-PATTERSON: It's just an honor and
10 a pleasure to welcome you this morning. We really thank
11 you for joining us in Eureka, and before I turn the
12 microphone over to you, I want to just take a minute to
13 tell you how much we appreciate you coming up and being
14 with us today.

15 As a member of this Board from 1990 until 1998,
16 although I didn't personally get to serve with you, you
17 played a key role in shaping many of the integrated waste
18 management programs and policies that are still in effect
19 today. As a member of the California State Senate, your
20 leadership on waste management issues continues to assist
21 us in improving the outlook for sustainable materials
22 policy in the future.

23 And I'd like to add a personal note of thanks on
24 behalf of the Board for your efforts in the final hours
25 of the legislative session, which I understand was pretty

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 hectic, at getting Senate Bill 876 to the Governor's
2 desk. And this bill as we spoke about will reauthorize
3 and strengthen our waste tire program and we're deeply
4 grateful to you.

5 Thank you for being here and I'll turn it over
6 to you, Senator Chesbro.

7 SENATOR CHESBRO: You're welcome, but I want to
8 turn the thanks around and thank you for coming here and
9 meeting in my home county. By meeting here, you bring
10 together two of the things that I feel most passionately
11 about. One of them is my home, which is here on Humboldt
12 Bay, and to have a chance to share the beauty of this
13 community and with folks from elsewhere in the state,
14 especially those who have some authority over the fate of
15 my constituents and the programs that serve them.

16 It's really great to have you here, and I know
17 the people of Humboldt County really appreciate it when a
18 state board or agency takes the time to come up behind
19 the redwood curtain to visit and get to know the
20 community a little bit better because it really does make
21 a difference I think for folks to have that first-hand
22 knowledge. So we really appreciate you being here.

23 I also want to acknowledge the City of Eureka
24 and Mayor Flemming for making the chambers available to
25 you and let you know that both Arcata and Eureka were

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 pioneers in establishing recycling programs, especially
2 in rural areas a long distance away from the urban
3 centers where the markets are. And I happened to have
4 been involved in that effort back in the early '70s. I
5 can't claim that we were first, but it was pretty darn
6 close in terms of the modern recycling world.

7 It was kind of a college town kind of thing to
8 do at first, and people thought we were a little crazy to
9 be so excited about garbage and preaching the value of
10 what was in that pile of waste that most people wanted
11 picked up before sunrise and to disappear, which had been
12 the traditional view in our state and traditional role of
13 both the providers of the service and the regulators was
14 to make sure that part was done and it was done right.

15 Well, we began the process in 1971 establishing
16 a rural community recycling center along with a couple of
17 dozen elsewhere in the state, again mostly in college
18 towns, but it spread very quickly and it was only a
19 matter of a year or two later that City Garbage, the
20 waste hauler for the City of Eureka, at their transfer
21 station here in Eureka recognized that there was market
22 share at stake and they had better provide the services
23 that Arcata was getting.

24 I know Steve is laughing because Steve remembers
25 all this very well, but it spread quickly in this county.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Even though -- think about the obstacles of hauling
2 materials to the Bay Area, basically close to 300 miles
3 to sell your materials or north to Portland or places
4 close to Portland. When we started off doing it, the
5 newspaper was worth so little we used to hand-load bundle
6 by bundle onto a semi truck and then drive down behind it
7 in an old VW bus down to Emeryville and hand unload all
8 those bundles of newspapers. That's how primitive things
9 were.

10 We've come a long, long ways, and the
11 partnership between local government and the waste
12 industry, the citizens of the state and the recyclers of
13 the world to help get AB 939 in place and create a new
14 vision for California in terms of the value of the
15 materials that we used to call waste but now we view as a
16 resource, really has been -- represents a tremendous
17 amount of progress. And I'm pleased that this community
18 played a key role in helping to build that and that I had
19 an opportunity to serve on the Waste Board and to help
20 further those issues around the state.

21 I take a lot of pride in the time I spent on the
22 Board working to build a strong, independent voice and
23 independent forum in state government where the balance
24 between those -- the diverse interest that are affected
25 by what you do here at the Board could be established and

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 could be maintained, and I want to really strongly
2 encourage you to continue to recognize that a board
3 structure has a unique opportunity to have a public forum
4 by which all of those different viewpoints can come and
5 be hashed out.

6 Having dealt as a local official for 17 years
7 with state bureaucracies that don't have a public face
8 the way the Waste Board does and don't have a public
9 forum, I can tell you that the board decision making
10 process offers opportunities that you never get from
11 other state bureaucracies. For that reason and also my
12 passion about the issue, you can count on me to continue
13 to be an advocate for your continued success, for your
14 continued independence, for your ability to continue that
15 process.

16 I don't think any other process of decision
17 making could have led to the achievement of the waste
18 diversion that has taken place since 1990 and the sense
19 of cooperation and team effort between all of the
20 different folks, the waste hauling industry, the public
21 and local governments, as well as the environmental
22 community that has occurred with this Board.

23 I'm pleased to note that Humboldt County has
24 achieved 75 percent diversion for the unincorporated
25 areas and 50 percent for the county overall, and I'm

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 stealing Ms. Citrino's thunder. I don't know if she's
2 going to be addressing you, but I'm sure that's what she
3 wanted to tell you, but I want to acknowledge her because
4 she has been a real leader in the community to help
5 achieve those goals.

6 I first met her when we were imposing or
7 attempting to impose rural -- charges for rural disposal
8 sites and she came forward and represented many of the
9 voices in the rural community that were unhappy about
10 that, but she was different because instead of just
11 saying I don't want to pay the fee, she was saying why
12 aren't you guys recycling more. And she wound up -- you
13 know, when you get up and you intelligently come up with
14 an intelligent analysis, you sometimes wind up with a
15 job, and that's what happened with Liz. She's been at it
16 ever since and she's done a really good job for the
17 people of Humboldt County.

18 I also want to take note of the accomplishments
19 of the Humboldt Waste Management Authority. The Joint
20 Powers Agency, through much effort and not little
21 controversy, developed a regional waste management system
22 that will help this rural region deal effectively with
23 the present wastestream and also respond to future needs.
24 I hope the Board and staff have the chance to develop a
25 better understanding of how this organization has

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 evolved. I think that having served on many joint powers
2 authorities at the local level it's a real achievement to
3 have an agency that's working together to solve problems,
4 and I want to encourage you to continue the sense of
5 state-local partnership that has existed in the history
6 of the Board and to work closely with the local
7 governments of Humboldt County because I think they've
8 worked very constructively with the State, both in the
9 disposal end and on the recycling waste reduction end, to
10 help achieve the hierarchy that the people of the state
11 have mandated through the legislation AB 939.

12 Again, welcome, and I continue to offer my hands
13 of assistance and partnership to you as your friend in
14 the State Senate to help further both the Board's role as
15 well as the very important hierarchy and other goals of
16 AB 939.

17 CHAIR MOULTON-PATTERSON: Thank you very much,
18 Senator Chesbro. We appreciate you being here and we
19 appreciate being in beautiful Humboldt County. It's
20 gorgeous up here so it's our pleasure to be here, and as
21 well as in the city of Eureka. Is Mayor Flemming here at
22 this point?

23 MS. CITRINO: Well, this is Humboldt County and
24 so we understand that she's on her boat, on her way here.
25 She lives on an island which is only accessible by boat,

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 so if it's appropriate, then we could go ahead to Item C
2 and come back to her as soon as she gets here.

3 CHAIR MOULTON-PATTERSON: That would be great.

4 Item C is the Humboldt Waste Management Authority
5 presentation, Gerald Kindsfather.

6 MR. KINDSFATHER: Good morning to you all.

7 We're truly honored that you would come to Humboldt
8 County and visit us here. We did hope that the sunshine
9 would follow you from Sacramento, but it didn't happen to
10 do that.

11 BOARD MEMBER ROBERTI: Yesterday was beautiful.

12 MR. KINDSFATHER: And tomorrow there are some
13 tours and I hope tomorrow will be as beautiful as it was
14 yesterday. Perhaps is a good day to get the fog out of
15 the way.

16 The solid waste system in Humboldt County is in
17 a transition period and we're nearing the end of that in
18 that the expansion of our new facility is under
19 construction and we have a tour of that scheduled for you
20 tomorrow. We're very anxious for that to be completed
21 and for to us move into that facility because it does
22 provide us additional waste reduction activities.

23 We did extensive design research as we were in
24 the paper phase of this project. We visited numerous
25 transformation facilities and recycling facilities, and

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 we talked to administrators, we talked to truck drivers,
2 we talked to traffic directors, we talked to the laborers
3 who maintained the recycling bins, and it was amazing how
4 many good suggestions we got from people on all ends of
5 the staffing level. We would go up to them and say what
6 do you like about your facility, what would you design
7 differently if you could do it again.

8 So we took all this information over the paper
9 stage of this facility and did as much work on the
10 details as we could hoping that we would design this
11 facility right the first time. We're anxious for it to
12 be completed because we want to see how this all plays in
13 the reality of operation.

14 We're also anxious for this facility to finish
15 construction because we are operating in the facility
16 while it's under construction. We've squeezed down into
17 about a third of the normal operating space and it's like
18 living in a home when it's being remodeled. So we're
19 very anxious for that to be completed.

20 Through our operations contractor, Waste
21 Solutions Group, we worked with an architect to design
22 the facility. The facility is visible from a major
23 throughfare, so we were anxious for it to be quite
24 attractive. And in addition to working with an
25 architect, we did a Request for Proposals for an art

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 commission for the facility. We got a number of
2 excellent proposals. Humboldt County has a very high
3 concentration of nationally known artists. We did choose
4 one and it is an art fence, a decorative fence and gates
5 that will go across the facility, and it will all be made
6 out of found objects which the artist has been gleaning
7 from the wastestream since the beginning of this summer.
8 I did a tour of her studio last week to get an update on
9 progress and she's marvelously creative so we're very
10 anxious for that aspect of it to be completed.

11 There is a tour scheduled, as I said, tomorrow
12 at I believe 9:00, and so we invite you folks to come
13 down to the facility, see it in its transition phase.
14 We'll show you the plans, show you the facility as it's
15 under construction and hope that you will return and see
16 the facility when it is completed, when the art fence is
17 completed, and see it in operation. At this time what I
18 would like to do is introduce Liz Citrino, and Liz
19 doesn't need much of an introduction, we all know her
20 quite well, and Maurine Hart, and also I would like to
21 publicly thank Liz for all the work she did in making
22 this a reality.

23 Thank you.

24 CHAIR MOULTON-PATTERSON: Thank you. Good
25 morning.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MS. CITRINO: Welcome, Madam Chair and Members
2 of the Board. The last time that this Board met in
3 Eureka, I was pretty much brand-new in my job. I think
4 it was July of '92. So we're delighted to have you back
5 at a time when we feel that we have made immense progress
6 in terms of implementing the plan that was written in
7 response to the state law, as well as the tour tomorrow
8 of the transfer station in progress. We hope that there
9 will be time to show you the existing transfer station
10 that this Board was involved with through a very
11 difficult permitting process a couple of years ago.

12 More than that, we are very proud of the
13 activities that local businesses have undertaken as our
14 partners in achieving the goals of AB 939, and we brought
15 with us today just a few of the products that are
16 manufactured locally that help to divert materials from
17 the wastestream. Included in those are a soil amendment
18 product made by Fox Farm and Maurine has a few samples
19 over there and we want to move quickly because we know
20 you have a lot of work to do. Take it away, Vanna.

21 (Laughter)

22 MS. HART: That could be a facility tour
23 tomorrow.

24 MS. CITRINO: That potentially -- it's right by
25 the Arcata Transfer Station, so we may be able to squeeze

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 that in. We know you're all looking forward to seeing
2 Fire and Light Originals and the facility that they use
3 to produce recycled glass products. These are some of
4 the dishware that they sell internationally that have
5 been used for awards and many other things. In addition,
6 they now have added a line of decorative hearts which we
7 understand are 97 percent recycled content.

8 We're very proud of the work that they've done
9 and many other local companies. There's a local business
10 that takes gypsum, takes sheet rock and grinds it into
11 being used as a soil amendment at one of the local bulb
12 farms. There is a company which has been involved in
13 training workers to help us with deconstruction in recent
14 years. They're reclaiming valuable redwood and returning
15 it to useful second life in the community.

16 Those are just really few of the highlights and
17 I think to me what that says is we're all partners in the
18 effort to reduce waste here. I think that to us
19 achieving the AB 939 goals is not simply a matter of
20 collecting bottles and cans and has not been just that
21 for a very long time.

22 We see waste reduction, waste prevention, source
23 reduction and recycling and compost as part of a frame of
24 mind and a change in behavior, and the efforts that we've
25 made locally have been to work with the public, to work

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 with the businesses, to make them our partners in
2 changing our habits and changing our lives for the
3 future.

4 Again, welcome and thank you.

5 CHAIR MOULTON-PATTERSON: Thank you very much,
6 Liz. I see that Mayor Flemming has arrived and we're
7 really happy that you would come over on your boat to
8 welcome us. Won't you come forward.

9 I had the pleasure of serving with Mayor
10 Flemming four years on the California Coastal Commission
11 and she has welcomed us to Eureka several times and it's
12 always been a real pleasure. Thank you so much for
13 taking time to be here.

14 MAYOR FLEMMING: Absolutely. And I apologize
15 for being late and yes, I did come screaming across in my
16 skiff. Forgive me.

17 I just mostly wanted to once again truly welcome
18 you here. You will discover that your whole goal and
19 mission is an absolute culture here and that is
20 completely embraced by the entire region as your tour
21 yesterday I think probably enlightened you somewhat.
22 We're so very proud of all the efforts made by our
23 citizens. We have an amazing commitment from our
24 citizens and it benefits the entire state, I think.

25 We once again truly welcome you and hope you

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 enjoy your visit here, and I hope you get to get out and
2 about a little. I know you did yesterday and there's so
3 much to see, and we're so proud of the region that I hope
4 you do have some time. I know you're going to be working
5 hard, but take that time and enjoy it. Thank you for
6 being here.

7 CHAIR MOULTON-PATTERSON: Thank you very much,
8 Mayor Flemming. We appreciate it.

9 MAYOR FLEMMING: And I'll be in the office next
10 door.

11 CHAIR MOULTON-PATTERSON: Okay. Thank you.

12 We're now moving on to -- let's see. We are
13 going to change our agenda just a little bit because I
14 know Senator Chesbro would like to be involved in a
15 couple of these items, but we will go ahead and have the
16 report from Regional Council of Rural Counties, Larry
17 Sweetser and Jim Hemminger. Won't you come forward,
18 please.

19 MR. HEMMINGER: Hi. Thank you very much. My
20 name is Jim Hemminger, Program Director for the
21 Environmental Services Joint Powers Authority. We
22 represent 21 member counties, rural counties throughout
23 this state, and I would also like to thank the Waste
24 Board for inviting us to make a presentation today. Very
25 honored to be here.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 It was suggested the best way we could show our
2 appreciation was to observe our 15-minute time allotment.
3 I had suggested it was more of a goal than a mandate, but
4 I was told otherwise my good faith efforts wouldn't
5 count. So we'll try to be brief.

6 (Laughter)

7 CHAIR MOULTON-PATTERSON: Thank you.

8 MR. HEMMINGER: Yes. And we're fortunate today
9 to have four representatives from four of our member
10 counties with us, and each one of them was going to get
11 up and say a few words also.

12 As the Board knows, the rural counties comprise
13 a big land area of California and a small amount of the
14 waste. We have about a third of the land area of
15 California occupied by the member counties of the ESJPA,
16 and together all the rural counties of the state make up
17 about 4 to 5 percent of the waste stream. That presents
18 some particular challenges, but we're not here today to
19 bemoan the difficulties that are facing the rural
20 counties. We're rather here to look at the challenges we
21 face and give some examples of the extent which rural
22 counties have been able to comply with the statutes and
23 with AB 939, as well as all sorts of other regulatory
24 issues involving landfills.

25 As a whole we're quite proud of what we've been

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 able to achieve in the last ten years. When AB 939 first
2 passed, although some rural counties, Humboldt, Tuolumne
3 to a large extent and others embraced the goals of AB
4 939, other rural counties, some of the smaller counties
5 were a little slower in coming around. I think those
6 days are behind us, and to a large extent as rural
7 counties no longer the problem child of California, we're
8 making great progress and extremely proud of what
9 different member counties have been able to achieve.

10 Mark, who is the Chairperson of our Technical
11 Advisory Group with ESJPA, was first going to speak, go
12 over some of the challenges that rural counties do face
13 and discuss some of the ways we're going about facing
14 those challenges, then other speakers were going to talk
15 about the accomplishments member counties have been able
16 to make in different areas of waste management.

17 Before turning over the podium, we did put
18 together a table with some brochures, freebies, a
19 demonstration of some of the activities that the rural
20 counties are moving forward with. As we know, public
21 education is a key component of any program. ESJPA,
22 Environmental Services Joint Powers Authority, is out at
23 about 12 county fairs this past summer talking to folks.
24 A lot of the other counties sponsored their own fairs,
25 largely with grant money but some of local resources, and

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 if you have a chance to pick up some of the literature
2 and things, it's pretty impressive, I think, what some of
3 the counties have to offer.

4 So if it please the Chair, I was going to turn
5 the mike over to Mark.

6 CHAIR MOULTON-PATTERSON: Thank you.

7 Good morning.

8 MR. RAPPAPORT: Good morning. Thank you, Madam
9 Chair, Members of the Board. It's a pleasure and a
10 privilege to be here today, particularly up in this area
11 with our counterparts in the city of Eureka and Arcata
12 definitely on the cutting edge. We've been looking
13 towards them for many years and watching what they're
14 doing.

15 So we're talking today -- my privilege today is
16 to talk about the challenges faced by rural counties.
17 Many of these I'm sure will not be new to you, but we
18 look at a diverse population, a dispersed population I
19 should say which affects the efficiencies. Large
20 distances between homes affect the cost of collection of
21 solid waste. We are faced with large land areas which
22 are prone to illegal disposal, which is becoming more and
23 more prevalent, and we appreciate the efforts that the
24 Waste Board is embracing to help us cope with the illegal
25 disposal problem.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 We lack a large population base which obviously
2 affects economies of scale and our funding for our
3 programs, and we obviously have limited staff and
4 financial resources with which to work.

5 It was mentioned earlier today the distance to
6 recycling markets is a challenge once again for our
7 outlying rural areas, and of course we have a varied
8 constituent base which lends us to seek creative
9 solutions to educate the public.

10 In spite of all of these challenges, rural
11 jurisdictions have responded with successful programs and
12 have looked to regionalization such as the Del Norte
13 Humboldt project that will be discussed later today,
14 household hazardous waste programs and regionalization of
15 the Certified Unified Program Agency, CUPA program.

16 Our 21 member counties make up eight regional
17 agencies and nine RMDZs, Recycling Market Development
18 Zones. In the 21 member counties are actually six
19 Recycling Market Development Zones.

20 Rural counties appreciate the Waste Board's
21 embracing flexibility and streamlining of procedures and
22 the continued grant programs. We look forward to working
23 with the Waste Board to continue to meet the challenges
24 and forge new programs and partnerships in the ESJPA
25 built on the strength of its combined membership.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 And I would like to thank the Waste Board
2 particularly on a personal note in Tuolumne County for
3 the CalMAX program. We recently had a successful match.
4 We were able to divert more than 130 tons of waste that
5 would have otherwise gone to disposal in the form of some
6 modular office complex buildings. They were all reused
7 and so far it saved us about \$35,000 in demo and disposal
8 costs and will come off the bottom line for our AB 939
9 diversion. So I want to thank the Waste Board for the
10 CalMAX program in that regard on a personal note from
11 Tuolumne. By the way, I didn't introduce myself. I'm
12 sorry. I'm Mark Rappaport, the Solid Waste Technician
13 for the County of Tuolumne and the Chair of the Technical
14 Advisory from the ESJPA.

15 I thank you for the opportunity to talk to you
16 today.

17 CHAIR MOULTON-PATTERSON: Thank you,
18 Mr. Rappaport.

19 MS. BARR: Good morning. I'm Jennifer Barr with
20 Calaveras County Department of Public Works, Solid Waste
21 Division. I am the Program Manager there and I wanted to
22 talk a little bit about how our counties are complying
23 with AB 939. On average, our member counties, 21 member
24 counties, have achieved 40 percent diversion rate. Four
25 of those counties, Alpine, Lassen, Mono and Trinity, have

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 exceeded the 50 percent goal.

2 One of the things that's difficult, that last
3 10, 5 percent, whatever our counties are trying to reach
4 right now, the difficulties and challenges Mr. Rappaport
5 explained earlier do make it difficult. We are making
6 good faith efforts.

7 I know in Calaveras County some of the things
8 we've done recently is expand our curbside recycling
9 program so it is now available to all of our county
10 residents. We've also implemented fee incentives to help
11 encourage the source separation of certain materials at
12 our landfill, and we are also in the process of building
13 a waste recovery transfer center which will allow our
14 landfill staff to do more separation at the site.

15 However, that last percent as far as the year
16 2000 is concerned probably won't make it to 50 percent.
17 So we are very happy that the definition for rural was
18 included in the revisions to the rural reduction.

19 One thing I would also like to note is with the
20 five-year review process coming up, we would like to ask
21 the Board to remain flexible and we'd like to continue to
22 concentrate on our programs and not have to divert staff
23 resources from our programs -- excuse me. I'm nervous.
24 We don't want to divert our staff from our programs in
25 order to have to redo all of our SRREs and whatnot. So

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 we're hoping that this will be a good process and will
2 work out well.

3 Thank you.

4 CHAIR MOULTON-PATTERSON: Thank you, Ms. Barr.

5 Good morning.

6 MR. SWEETSER: Getting there. I'm Larry
7 Sweetser. I've been adopted as the consultant to the
8 JPA, and I'm going to address a couple issues on the
9 permitting and compliance issues.

10 There are some problems out there. There's many
11 misconceptions, but overall I've been impressed with the
12 efforts I've seen on the counties out there, as well as
13 the successes I've seen. The permitting issue,
14 streamlining has been a blessing out there. For example,
15 as many of the counties are closing their landfills and
16 switching over to transfer stations and recycling centers
17 and the ability to go to a notification tier instead of a
18 full-blown permit for a couple of debris boxes out in the
19 woods has really been helpful in the sense that we can
20 divert that money into programs, also into the landfill
21 closure issues. Now if you could only actually help us
22 with some of the Water Board permits, that would be more
23 streamlining.

24 On the compliance issues, many of the counties
25 have small facilities. They have the same problems as

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 the large ones. In fact, it's probably harder to run a
2 small site than it is to run a large site. But with the
3 efforts I've seen out there, many of them have reduced
4 the amount of issues they've had, the number of problems.
5 There's fewer landfill gas issues, fewer facilities
6 showing up on the list of noncompliant facilities and a
7 lot less of the old disco permits.

8 On closure, many of the counties are going
9 through closure on some of the old sites. Keep in mind a
10 lot of these are still filling on the old footprints from
11 1993, unlined sites and other things, so that enhances
12 some of the closure issues going on. For example,
13 Calaveras, Inyo, Siskiyou, Trinity, Tuolumne, all have
14 gone through landfill closures or are going through those
15 now. In fact, some of them are on your facility loan
16 compliance list. They will be seeking funding to help
17 them through for that process. In fact, Trinity is on
18 there.

19 Inyo County is another one. I just spent time
20 down there on the tire grant process with them, amnesty
21 day last weekend, and for a county that's 10,000 square
22 miles, it's 1.48 people per mile. They've actually got
23 three active landfills, two of which -- two landfills are
24 going closure now for transfer stations, and they've got
25 programs out there for metal, cardboard, phone books,

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 paper. You name it, they've pretty much done it out
2 there. Household programs, oil programs. They're all
3 working on those programs and they're at 41 percent
4 diversion in a county like that, and it's all done with a
5 half a cent sales tax. So they are working out there and
6 you'll be seeing a lot of efforts as things come forward
7 on the others.

8 I'll turn it over to Tom Starling from Mariposa.

9 CHAIR MOULTON-PATTERSON: Thank you,
10 Mr. Sweetser.

11 MR. STARLING: Good morning. I'm Tom Starling
12 from Mariposa County. Mariposa County is the home of
13 Yosemite National Park. There are 16,000 people that
14 live in the county with over 4 million tourists each
15 year, which created problems for us from our organics
16 standpoint. We've looked for an innovative solution to
17 those problems.

18 So approximately five years ago we formed an
19 alliance with Yosemite National Park and the State of
20 California which was represented by Waste Board staff and
21 the County. It was determined at that time for us
22 because of what we felt were a high percentage of
23 organics in our wastestream that we should look at MSW
24 composting, which is something that has really not taken
25 place here in the state of California.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 In order to determine whether that would be the
2 case or not, it's been a long, drawn-out process. We did
3 do a new waste characterization study this year and found
4 that yes indeed, we have more organics than what we
5 thought we did. In order to help with the funding
6 because the project would be approximately \$5 million, we
7 went to Congressman Ordanovich for federal funding. In
8 the budget for the Department of Interior, the County got
9 \$1,800,000.

10 We received tremendous public support from the
11 community. Board of Supervisors support has pretty much
12 been unanimous and we're looking for decision on the
13 project by the end of this calendar year and hopefully
14 construction in mid-2001.

15 Thank you.

16 CHAIR MOULTON-PATTERSON: Thank you,
17 Mr. Starling.

18 MR. DE ROCO: Good morning. I'm Jerry DeRoco,
19 Glenn County Solid Waste Manager. I want to finish this
20 up on as bright a note as we can.

21 We're doing in the ESJPA a number of regional
22 programs, not only within our county regional agencies
23 but between all the counties, and we're currently
24 operating a regional household hazardous waste collection
25 operation out of a facility grant fund that we had placed

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 in Glenn County and we're serving Butte, Glenn, Lassen,
2 Plumas, Tehamas, Siskiyou, Trinity and Nevada Counties
3 out of that. We're collecting waste and bringing it
4 there. These programs have enabled us to build
5 foundations, relationships, credibility and stature in
6 all of our counties, and it's been tremendously well
7 received. We're doing HHW collection events, tire
8 amnesty days, ABOPs, free dump days including appliances
9 and we're also using DOCDR funds for CRV collection and
10 litter collection.

11 I spend about 30 to 60 hours a week on recycling
12 and solid waste programs and I'm proud to say my county
13 supports things I have not charged one dime to a grant
14 for my time. You've all probably received an invitation
15 to the running track dedication we're going to do with
16 one of the grant programs. We resurfaced a running track
17 at the Butte Glenn County College District, beautiful
18 track. It looks like an Olympic stadium track currently.
19 You're all invited. It's October 28th. If you would
20 come, we'll have VIP seating, barbecue, free tickets and
21 receive a shirt which is similar to this, which is paid
22 for by county funds, not grant funds.

23 We're in hopes in our county, and I think all
24 counties, in fact everyone in this room should hope that
25 AB 876 succeeds and that Proposition 37 doesn't overturn

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 it.

2 Thank you.

3 CHAIR MOULTON-PATTERSON: Thank you very much.

4 MR. HEMMINGER: Thank you. I think we actually
5 didn't quite meet the goal, but I would like to say a few
6 closing remarks. One, we do hope you walk away today to
7 understand rural counties are working hard. We do have
8 challenges, but since AB 939 has passed, I don't think we
9 can be sufficiently appreciative to the efforts of the
10 Waste Board, and particularly Waste Board staff who have
11 worked with us. It may be only a few percentage points
12 of the garbage loading, but we've certainly gotten our
13 share of attention from the Waste Board staff and I think
14 that's one of the reasons that we have been as successful
15 as we have. So thank you.

16 I did forget one thing in my opening remarks,
17 probably the most important. Laveda Erickson, Supervisor
18 from Siskiyou County, who is the chairperson of our
19 ESJPA, because of a scheduling conflict she couldn't be
20 here but she did want to express her appreciation on
21 behalf of the organization to the Waste Board.

22 Thank you.

23 CHAIR MOULTON-PATTERSON: Thank you very much
24 for all your hard work and a very informative report.

25 Moving along, I did want to mention that our

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 acting Executive Director, Ms. Fish, I believe you said
2 that you won't be giving a report today because of the
3 length of the meeting. I didn't want anyone to think I
4 forgot her, as I sometimes do.

5 As far as Item 5, continued business agenda
6 items, the following three items are continued to
7 November: Number 1, consideration of approval of the
8 diversion study guide and copies of the letter sent out
9 from the Board regarding this item are on the side table;
10 Number 2, consideration of base year change for the City
11 of Sierra Madre, Los Angeles County; 3, consideration of
12 base year change for the City of La Verne, Los Angeles
13 County.

14 It's my intention to quickly do the consent
15 calendar and then we're going to move to Item 4, our WRAP
16 awards, and then we will take out of order Item Number
17 15.

18 Moving on to the consent agenda, Items Number 7,
19 25 and 26 have been placed on this consent calendar.
20 Would any Board Members wish to pull any of these items?
21 Hearing none, would someone please make a motion for the
22 consent calendar.

23 BOARD MEMBER EATON: I'll move we adopt the
24 consent calendar consisting of Items 7, 24 and 25, I
25 believe. Items 7, 25 and 26.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER JONES: I'll second.

2 CHAIR MOULTON-PATTERSON: Okay. We have a

3 motion by Mr. Eaton, seconded by Mr. Jones.

4 Would the secretary please call the roll.

5 BOARD SECRETARY: Eaton.

6 BOARD MEMBER EATON: Aye.

7 BOARD SECRETARY: Jones.

8 BOARD MEMBER JONES: Aye.

9 BOARD SECRETARY: Medina.

10 BOARD MEMBER MEDINA: Aye.

11 BOARD SECRETARY: Paparian.

12 BOARD MEMBER PAPARIAN: Aye.

13 BOARD SECRETARY: Roberti.

14 BOARD MEMBER ROBERTI: Aye.

15 BOARD SECRETARY: Moulton-Patterson.

16 CHAIR MOULTON-PATTERSON: Aye.

17 I'd like to mention that Items 5 and 6 have

18 been pulled by request of our acting Executive Director,

19 and Item 19 I believe was pulled by request of the

20 operator. Is that correct, Ms. Fish?

21 MS. FISH: Yes.

22 CHAIR MOULTON-PATTERSON: That takes us to our

23 first new business item which is Number 4, Waste

24 Prevention and Market Development, consideration of

25 approval of the designation of the Waste Reduction Awards

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Program, the WRAP awards winners for the year 2000.

2 Ms. Wohl.

3 MS. WOHL: Good morning, Madam Chair, Board

4 Members. Patti Wohl, Waste Prevention and Market

5 Development Division.

6 I have the honor of introducing the first item,

7 consideration of approval of designation of the Waste

8 Reduction Awards Program, WRAP of the year winners for

9 2000.

10 Jeff Hunts will present the item.

11 CHAIR MOULTON-PATTERSON: Thank you.

12 MR. HUNTS: Good morning, Madam Chair, Board

13 Members. My name is Jeff Hunts. I'm a supervisor within

14 the Waste Prevention and Market Development Division.

15 This item is before the Board seeking approval of the

16 proposed year 2000 WRAP of the year winners.

17 The Waste Reduction Award Program is an annual

18 program established in 1992 by the Board to recognize the

19 voluntary efforts of California businesses to reduce

20 solid waste, something they're not mandated to do. It

21 recognizes those businesses that have made exemplary

22 efforts in the areas of prevention, recycling, buying

23 recycled, and education. And since 1993, the first year

24 that the awards were actually presented, the Board has

25 presented over 4,200 WRAP awards.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 The WRAP of the year award was established in
2 1996 as an annual recognition of the ten -- of ten of the
3 most outstanding examples of WRAP winners. A panel of
4 evaluators from several Board divisions, this year it was
5 the Waste Prevention and Market Development Division, the
6 Office of Public Affairs and the Diversion, Planning and
7 Local Assistance Division, as well as participation by
8 Board Member office staff. This panel reviews the list
9 of WRAP of the year candidates and chooses ten of the
10 most outstanding examples for recognition.

11 The ten WRAP of the year winners receive a
12 framed certificate from the Board, as well as a special
13 WRAP of the year award. Last year it was a Fire and
14 Light design plate engraved, and we anticipate doing this
15 again. As well, the winners receive statewide press
16 promotion.

17 This year's proposed winners are, in
18 alphabetical order -- Albertsons, Incorporated.
19 Albertsons is the second largest food retail and drug
20 store chain in the United States. It currently operates
21 approximately 480 retail outlets and grocery stores and
22 280 Sav-On Drug stores in the state of California.
23 Albertsons waste reduction programs include new ideas
24 such as ice-free broccoli packaging in recyclable boxes,
25 alternative to polystyrene fresh fish packaging, waste

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 oil reuse, recycling plastic grocery bags, and pallet
2 wrap tomatrex (phonetic), lumber -- that's plastic
3 lumber -- and donating damaged food and scraps to food
4 banks, churches and animal shelters.

5 Second candidate is Allergen, Incorporated.
6 Allergen is a global provider of specialty therapeutic
7 products headquartered in Irvine, California. Allergen
8 participates in a number of recycling efforts ranging
9 from paper and plastic recycling to ink toner cartridge
10 refurbishment and computer, printer and copier repair.
11 Allergen also recycles materials from its research lab
12 and donates excess chemicals and used research equipment
13 to local colleges and high schools.

14 Next is Apple Computer, Incorporated in Elk
15 Grove. Apple's manufacturing facility has employee
16 volunteers who champion recycling efforts for the site.
17 Apple recycles paper, glass, cardboard, wood pallets,
18 polystyrene and purchases recycled-content products. The
19 Elk Grove facility has recycled 11.9 million pounds of
20 waste and achieved a 91 percent recycling rate in 1999.

21 The next is Bentley Mills, Incorporated, the
22 City of Industry. Bentley Mills is a division of
23 Interface Carpet, a commercial carpet manufacturer.
24 Bentley developed a new product called Streetly Road,
25 which is a carpet made from 100 percent recycled nylon

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 fiber, and from 1994 to 1999 trash going to the landfills
2 from Bentley was reduced by 82 percent with an
3 accompanying cost reduction of 72 percent and income from
4 selling recyclables exceeding \$800,000.

5 The next is Direct Relief International of Santa
6 Barbara. Direct Relief is a 52-year-old non-profit
7 humanitarian organization which sends surplus medical
8 products and equipment to people in need throughout the
9 world.

10 Next is I.M. David Furniture. I.M. David of
11 Gardena is a wood furniture manufacturing company that
12 sells -- that increased their recycling rate from less
13 than 20 percent to nearly 100 percent. They found
14 diversion alternatives for their fine sawdust and small
15 wood scraps. They donate fabric scrap to charity and
16 employees and wood scrap to chess piece craftsmen.

17 Next is a local favorite, North Coast
18 Cooperative. North Coast presently incorporates a waste
19 reduction program which diverts more than 50 percent of
20 the waste produced at both their Arcata and Eureka
21 stores. The program includes recycling white paper,
22 newspaper, mixed papers, cardboard, plastic, cans, glass
23 and compostable materials. The co-op is also an avid
24 supporter of local recycling centers and efforts and true
25 donations at the cash register and bag rebates. The

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 co-op has been able to award over \$25,000 to local
2 recycling efforts.

3 The next is also a co-op. Ocean Beach People's
4 Organic Foods Market in San Diego is a customer-owned
5 California cooperative and retail vegetarian food store.
6 Their most successful waste reduction activity is their
7 off-site composting of food waste generated from their
8 deli and produce departments which is sent to the Co-Op
9 sponsored organic farm in Jamul, where they also educate
10 sixth graders on farming and composting practices.

11 The next is the Westin San Francisco Airport in
12 Millbrae. The Westin donates excess food to food banks,
13 recycles papers, glass, aluminum, plastics, uses recycled
14 content products, and provides environmental education to
15 their employees. The Westin is a member of the Recycled
16 Paper Coalition, which the Board is as well, and also
17 remember the Sustainable San Mateo County Business
18 Council.

19 And finally, Yosemite Concession Services
20 Corporation located in Yosemite. Yosemite Concession
21 Services is under contract with the national park to
22 operate facilities in the park that include warehousing,
23 transportation and food and beverage concessions.
24 Yosemite Concessions' waste diversion programs includes
25 using bicycles to save on gas and vehicle usage,

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 educational environmental programs, recycling workshops
2 and tours, donating of reusable items to charities,
3 on-site mulching of green waste, and green purchasing
4 practices.

5 That's the ten, and barring no questions, staff
6 recommends that the Board does accept the selections of
7 the WRAP of the year evaluation panel and approve the
8 list of the proposed year 2000 WRAP of the year award
9 winners and adopt Board Resolution Number 2000-422.

10 CHAIR MOULTON-PATTERSON: Thank you. Do we have
11 questions?

12 I'm sure it was very difficult from all the
13 winners you had to select these WRAP of the year awards.

14 MR. HUNTS: We had nearly 1900.

15 CHAIR MOULTON-PATTERSON: We're really, really
16 grateful for all they're doing.

17 BOARD MEMBER JONES: Madam Chair.

18 CHAIR MOULTON-PATTERSON: Mr. Jones.

19 BOARD MEMBER JONES: I would like to move
20 adoption of Resolution 2000-422, consideration of
21 approval of designation of the Waste Reduction Award
22 Programs winners of the year for the year 2000.

23 BOARD MEMBER PAPARIAN: Second.

24 CHAIR MOULTON-PATTERSON: We have a motion by
25 Mr. Jones, seconded by Mr. Paparian, to approve

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Resolution 2000-422 for the WRAP of the year award
2 winners.

3 SENATOR CHESBRO: Madam Chair.

4 CHAIR MOULTON-PATTERSON: Would you like to
5 speak, Senator Chesbro?

6 SENATOR CHESBRO: Madam Chair, first of all I
7 want to make a comment, general comment, on the WRAP
8 awards, and secondly, a comment on a proposed recipient
9 pending your motion here.

10 The WRAP awards really represent a very, very
11 important piece of the balancing process, the uniqueness
12 of what this Board does. First of all, it is the carrot
13 side. There's a regulatory side for those local
14 jurisdictions and operators that aren't complying, but
15 there's the incentive side which the Board has pioneered,
16 and I think it's a very, very important tool for
17 rewarding the kinds of change that AB 939 envisioned.

18 The other Board part of it is that it puts an
19 emphasis on rewarding private sector behavior. One of
20 the gaps in AB 939 was that it put most of the regulatory
21 burden as far as diversion on local governments without
22 really as much in the way of regulatory encouragement to
23 businesses to help local governments achieve their goals.
24 Therefore, the positive incentive is that much more
25 important in assisting local governments by encouraging

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 the business community to step up and take positive
2 steps.

3 So it is one of your most important tools. I
4 hope that you'll continue to publicize it, to make it as
5 big a deal as you possibly can because there's lots and
6 lots of great business people in this state who are doing
7 wonderful things to help local governments and the State
8 achieve its goals.

9 Specifically, there's another Humboldt County
10 institution started I believe the same year as the Arcata
11 Recycling Center, and that's the North Coast Cooperative.
12 And the Mayor made reference to how waste reduction and
13 recycling is part of the culture of this county, and one
14 of the major contributions to making that the case,
15 making that happen, has been the North Coast Cooperative.
16 That through their pioneering many techniques, some of
17 which are now taken for granted in grocery stores all
18 over the state like giving people rebates for bringing
19 back bags or using reusable bags, for example. They were
20 doing that back in the early '70s long before it became a
21 common practice, and there's many, many other examples of
22 how before the hierarchy existed as an official policy of
23 the state of California, in fact almost 20 years before
24 the hierarchy this business was taking those steps and
25 has continued to really be a leader.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 So it's a long overdue recognition again to the
2 contribution of the people of the state in building up
3 the momentum for AB 939 and reducing the wastestream in
4 California to have the North Coast Cooperative to be
5 recognized. So I'm very supportive and I congratulate
6 the Board and the staff in noticing the contribution that
7 the North Coast Cooperative has made.

8 CHAIR MOULTON-PATTERSON: Thank you, Senator
9 Chesbro, and I might add that those of us who visited
10 yesterday were very impressed and really thank you for
11 giving us that wonderful tour. Secretary, hearing no
12 other comments would you please call the roll.

13 BOARD SECRETARY: Eaton.

14 BOARD MEMBER EATON: Aye.

15 BOARD SECRETARY: Jones.

16 BOARD MEMBER JONES: Aye.

17 BOARD SECRETARY: Medina.

18 BOARD MEMBER MEDINA: Aye.

19 BOARD SECRETARY: Paparian.

20 BOARD MEMBER PAPARIAN: Aye.

21 BOARD SECRETARY: Roberti.

22 BOARD MEMBER ROBERTI: Aye.

23 BOARD SECRETARY: Moulton-Patterson.

24 CHAIR MOULTON-PATTERSON: Aye.

25 BOARD MEMBER ROBERTI: Madam Chair.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 CHAIR MOULTON-PATTERSON: Senator Roberti.

2 BOARD MEMBER ROBERTI: Just very briefly. We
3 gave a WRAP award, not WRAP of the year award, but a WRAP
4 award to the organization that handles the Los Angeles
5 Convention Center's trash pick-up. They did an
6 outstanding job. The young woman who runs that operation
7 came to me last week, the WRAP awards sort of (inaudible)
8 my mind on this, saying that for those institutions that
9 have -- are sort of event-oriented with large amounts of
10 trash that come in in a very short period of time, most
11 seminars and programs aren't geared towards that.

12 Their problems are unique and they're touched
13 upon, but they're not dealt with on a specific basis and
14 it really strikes me as a category that maybe ought to be
15 categorized in our operations. So I would hope that at
16 some point that she could come speak to the Members,
17 either in a meeting or individually, just to share her
18 ideas on how she feels.

19 This kind of trash collection can be
20 specifically dealt with. She has a lot of very, very
21 good ideas and thinks in terms of a whole new arm of
22 recycling rather than having it lost in their kinds of
23 methodologies.

24 CHAIR MOULTON-PATTERSON: That would be great.
25 And I'm sure I speak for all of us, we'd love to hear

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 that. I know we had a great opportunity with the
2 Democratic convention.

3 BOARD MEMBER ROBERTI: Right. She was extremely
4 successful. I visited her just about two weeks ago. I
5 forgot to mention that. And their operation was a quick
6 successful, no problem, recycled tens of thousands of
7 pounds of material.

8 CHAIR MOULTON-PATTERSON: Thank you. And since
9 we have members from the North Coast Cooperative here
10 with us this morning and since the action has been taken,
11 I'd like to ask Senator Chesbro to join me in presenting
12 this award.

13 Thank you so much and we appreciate all your
14 efforts. Thank you.

15 (Applause)

16 UNIDENTIFIED SPEAKER: I just wanted to say a
17 few words. The first is just thank you to Senator
18 Chesbro. One of my very first recollections of meeting
19 him was when he was advocating breaking out the recycling
20 center so it could solely focus on that very important
21 task, and the second thing is even though we've lost his
22 talents to Sacramento, there's a considerable spiritual
23 residue and we intend to cherish and recycle that 365
24 days a year.

25 And I also want to say that an award like this

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 really comes from a huge number of partnerships and I'd
2 like to just give you one brief example. The local
3 College of the Redwoods Community College had a toxic
4 waste problem. In trying to solve that, they then
5 consulted with Yolo River Disposal, a local garbage
6 company, and as part of that they got into waste
7 reduction and then they got into education of students,
8 and that is taking all the aluminum cans and recycling
9 them.

10 They then went from there to trying to set up a
11 scholarship fund to reward those students, and we were --
12 had the opportunity to then come in and just match
13 whatever those funds are to really go all the way from
14 toxic removal to waste reduction, to an educational
15 program, to rewarding the students there. And so there's
16 a lot of different partnerships like that.

17 I would like to thank my Board Chair, Rodney
18 Grunlinger who gives me enough rope to succeed and Tonya
19 Stock, our marketing director. So thank you very much.
20 We're very, very honored. It was a complete surprise and
21 we will cherish this award for the rest of our lives.

22 Thank you.

23 (Applause)

24 CHAIR MOULTON-PATTERSON: Thank you very much
25 and congratulations. As I mentioned, we'll be moving to

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Item 15, Ms. Wohl, consideration of approval of Recycling
2 Market Development Revolving Loan Program application for
3 Fire and Light Originals.

4 MS. WOHL: For this fiscal year, 2001, the
5 Recycling Market Development Revolving Loan Program is
6 budgeted to fund \$10 million in new loans. The Board
7 previously approved eight loans totaling \$4,154,175 that
8 will fund in this fiscal year. Today the Board will
9 consider three loans totaling \$2,364,925. If these loans
10 are approved and funded, then there remains \$3,480,900
11 available for new loan applications.

12 Agenda Item 15, consideration of approval of
13 the Recycling Market Development Revolving Loan Program
14 application for Fire and Light Originals LP. Barbara Van
15 Gee will present.

16 MS. VAN GEE: Good morning. I'm Barbara Van Gee
17 with the RMDZ Loan Program. This agenda item presents
18 for approval of Fire and Light Originals LP application
19 to the Recycling Market Development Zone Revolving Loan
20 Program.

21 Fire and Light is requesting \$850,000 to
22 purchase real estate, provide capital improvements,
23 purchase equipment and to fund working capital. The
24 project is located in Arcata, California, which is in the
25 Humboldt County Recycling Market Development Zone.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 If this loan is approved today, they will
2 increase the amount of glass being diverted from the
3 California landfills from the current 110 tons to over
4 450 tons annually. This loan was approved unanimously by
5 the Loan Committee with no conditions or changes.

6 Staff recommends that the Board approve the loan
7 contained in Resolution Number 2000-434 to Fire and Light
8 Originals LP.

9 CHAIR MOULTON-PATTERSON: Thank you very much.
10 Senator Chesbro, did you wish to speak on this item?

11 SENATOR CHESBRO: Sure. I'll be very
12 brief.

13 First of all, thank you for juggling your agenda
14 so I could be here for these items, but there's no better
15 example of why the Recycling Market Development Zones
16 were created than this wonderful business. And you've
17 seen the product. I hope you have a chance to see the
18 business.

19 CHAIR MOULTON-PATTERSON: We are tomorrow.

20 SENATOR CHESBRO: It was created specifically to
21 create markets, then of course the reality that you also
22 have to have a marketable product and be successful on
23 the business front dawn. So there was a coming together
24 of the recycling advocates and I think some really great
25 creative talent and some successful business minds and it

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 has blossomed into a nationally recognized,
2 internationally recognized success, not just for its
3 recycled content but also for the creativity and
4 wonderful nature of the product.

5 It's one that I think you can all feel very good
6 about supporting, and of course I feel very good about it
7 because it's in my home community here. So thank you.

8 CHAIR MOULTON-PATTERSON: Thank you, Senator
9 Chesbro.

10 BOARD MEMBER EATON: I have a couple of
11 comments, one that does not relate to Fire and Light
12 because obviously we know of the project but more in
13 generic terms and really commentary.

14 I would appreciate on loans a little more
15 information about what the loan is going for. Real
16 estate purchases doesn't tell me anything. Is it fee
17 simple, is it a leasehold interest? Is it a building?
18 We went through this discussion before. I can't remember
19 what our recollection was, but we did put a cap, if I'm
20 not mistaken, on the amount of money, that kind of thing.
21 It would be very helpful as we get into some of these
22 loan areas what kind of equipment are we purchasing.

23 MS. WOHL: Sure.

24 BOARD MEMBER EATON: This obviously is not
25 directed to Fire and Light since it has a lot of

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 familiarity to most of us, but I do believe it's very
2 important given the fact that we've had some defaults and
3 there could be more defaults and we would like to know in
4 addition to the Loan Committee that we at least know what
5 those are. Are these purchases of land plus structure?

6 MS. VAN GEE: In this case yes, it is land and a
7 building.

8 BOARD MEMBER EATON: And how large a parcel?

9 MS. VAN GEE: The parcel is -- it is five and a
10 half acres and a 12,800 square foot building. And
11 they're also buying -- I believe it's a furnace, a new
12 furnace as well as the real estate.

13 BOARD MEMBER EATON: Maybe if we can get that
14 information in terms of some of the other loans we have.

15 CHAIR MOULTON-PATTERSON: I think we would all
16 agree we would like that.

17 Mr. Jones.

18 BOARD MEMBER JONES: Madam Chair, I'll move
19 adoption of Resolution 2000-434, consideration of
20 approval of the Recycling Market Development Revolving
21 Loan Program application for Fire and Light Originals.

22 BOARD MEMBER EATON: I'll second the motion.

23 CHAIR MOULTON-PATTERSON: We have a motion by
24 Mr. Jones, seconded by Mr. Eaton, to approve Resolution
25 2000-434.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Madam Secretary, would you please call the roll.

2 BOARD SECRETARY: Eaton.

3 BOARD MEMBER EATON: Aye.

4 BOARD SECRETARY: Jones.

5 BOARD MEMBER JONES: Aye.

6 BOARD SECRETARY: Medina.

7 BOARD MEMBER MEDINA: Aye.

8 BOARD SECRETARY: Paparian.

9 BOARD MEMBER PAPARIAN: Aye.

10 BOARD SECRETARY: Roberti.

11 BOARD MEMBER ROBERTI: Aye.

12 BOARD SECRETARY: Moulton-Patterson.

13 CHAIR MOULTON-PATTERSON: Aye.

14 Motion approved. We'll go back to our regular

15 order and Item 5 and Item 6 were pulled by the Executive

16 staff. Item 7 we approved on consent. That takes us to

17 Item 8.

18 MS. WOHL: Agenda Item 8, consideration of

19 approval of Central Contra Costa Solid Waste Authority as

20 contractor for the Bay Area Landscape Management

21 Contract, Concept Number 26. Judy Friedman will present.

22 MS. FRIEDMAN: Good morning, Madam Chair and

23 Board Members. For the record I'm Judy Friedman, Manager

24 of the Organics and Resource Efficiency Branch.

25 This item requests Board approval of Central

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Contra Costa Solid Waste Management Authority as
2 contractor for the Bay Area Landscape Management Outreach
3 Partnership. In October of 1999, the Board approved
4 Contract Concept 26 for \$290,000 to implement local
5 government partnerships to conduct landscape maintenance
6 outreach programs in the year 2000. The purpose of these
7 programs is to promote environmental beneficial on-site
8 landscape management and organics procurement practices
9 to the professional landscape maintenance industry.

10 Today's item specifically provides \$72,000 in
11 partial funding to the Central Contra Costa Solid Waste
12 Authority to be contract manager and fiscal agent for
13 partnership of local jurisdictions in the San Francisco
14 Bay Area. This partnership will promote and implement
15 the objectives of the landscape management in six Bay
16 Area jurisdictions of Alameda, Contra Costa, Napa, San
17 Benito, Santa Clara and Solano.

18 In addition, this item requests the Board to
19 redirect \$14,000 from the funds previously set aside in
20 the contract concept for production, printing, display
21 and distribution of educational and informational
22 materials to support this outreach program.

23 Please note that to meet the program's matching
24 fund requirement, the proposed contractor has received
25 pledges of funds or cash value in-kind services totaling

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 \$381,000 from local jurisdiction partners in the six Bay
2 Area counties that are supporting this partnership.
3 Combined with the Board's proposed allocation, the
4 partnership currently has a minimum of \$453,000 in
5 resources pledged to conduct this program, so it's a very
6 well-participated, very exciting partnership.

7 Staff recommends the Board approve option one
8 and adopt Resolution Number 2000-421 for this agenda
9 item.

10 Are there any questions?

11 CHAIR MOULTON-PATTERSON: Thank you. Any
12 questions? Hearing none, Mr. Paparian.

13 BOARD MEMBER PAPARIAN: I'll move Resolution
14 2000-421, approval of Central Contra Costa Solid Waste
15 Authority as contractor for the Bay Area Landscape
16 Management Outreach Partnership.

17 BOARD MEMBER JONES: I'll second.

18 CHAIR MOULTON-PATTERSON: Okay. We have a
19 motion by Mr. Paparian, seconded by Mr. Jones, to approve
20 Resolution 2000-421.

21 Please call the roll.

22 BOARD SECRETARY: Eaton.

23 BOARD MEMBER EATON: Aye.

24 BOARD SECRETARY: Jones.

25 BOARD MEMBER JONES: Aye.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD SECRETARY: Medina.
2 BOARD MEMBER MEDINA: Aye.
3 BOARD SECRETARY: Paparian.
4 BOARD MEMBER PAPARIAN: Aye.
5 BOARD SECRETARY: Roberti.
6 BOARD MEMBER ROBERTI: Aye.
7 BOARD SECRETARY: Moulton-Patterson.
8 CHAIR MOULTON-PATTERSON: Aye.
9 Number 9. Motion approved.
10 MS. WOHL: Agenda Item Number 9, consideration
11 of approval of contractor for the California Legal
12 Profession Paper Waste Reduction Project, Contract Number
13 IWM-C9072, fiscal year 1999-2000 Contract Concept Number
14 36.
15 Jeff Hunts will present.
16 MR. HUNTS: Good morning again. This item
17 requests that the Board consider and approve a contractor
18 for the California Legal Profession Paper Waste Reduction
19 Project.
20 At their -- at your April 2000 meeting, the
21 Board approved the scope of work for this project and
22 also approved the redirection of \$30,000 from funding
23 originally allocated for AB 75 grants. The augmentation
24 increased the amount of funding for this project to
25 \$50,000.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 In early 1998, Board staff had identified the
2 legal profession as one of California's business sectors
3 representing the greatest potential for waste paper
4 reduction and began investigating ways to provide
5 technical assistance to this sector. In July of '98,
6 Board staff formed a partnership with the Environmental
7 Law Section of the State Bar of California to pursue an
8 educational project to help the California legal
9 profession reduce its use and disposal of paper.

10 In February of '99 the Foundation for the State
11 Bar awarded the ELS, the Environmental Law Section, a
12 \$5,000 grant to conduct with significant assistance from
13 Board staff a paper waste reduction education project for
14 California's legal profession.

15 And while Board staff was able to achieve I
16 think quite a bit of that project, it also became clear
17 that we lacked the expertise and experience, with the
18 legal profession in particular, to perform all of that
19 project's tasks. This led staff to propose a contract to
20 secure external specialized assistance for an expanded
21 project.

22 In June of this year the Board released an RFP
23 for this project, the Legal Profession Paper Waste
24 Reduction Project. A proposal submitted by Gary Liss and
25 Associates contained a qualifying bid of \$48,984. It met

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 all of the minimum qualifications and, therefore, the
2 Board's Contract Unit posted a notice of intent to award
3 the contract on August 17th of the year 2000.

4 Barring any questions, staff's recommendation is
5 that the Board approve the award of the contract for
6 \$48,984 to Gary Liss and Associates to perform the work
7 specified in the scope of work for Contract IWM-C9072,
8 commencing immediately upon approval of that contract.

9 CHAIR MOULTON-PATTERSON: Thank you, Mr. Hunts.
10 I see no questions.

11 Mr. Jones.

12 BOARD MEMBER JONES: Madam Chair, I'll move
13 adoption of Resolution 2000-423.

14 BOARD MEMBER PAPARIAN: Second.

15 CHAIR MOULTON-PATTERSON: Moved by Mr. Jones,
16 seconded by Mr. Paparian, to approve Resolution 2000-423
17 and we'll substitute the previous roll call.

18 Item 10. Thank you.

19 MS. WOHL: Agenda Item 10, consideration of
20 approval of reuse assistance grant awards, fiscal year
21 1999-2000, Contract Concept Number 56.

22 Sara Weimer will present this item and Item
23 Number 11.

24 MS. WEIMER: Good morning, Madam Chair and
25 Members of the Board. My name is Sara Weimer. I'm with

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 the Waste Prevention and Market Development Division.

2 Agenda Item 10 is for consideration of approval
3 of reuse assistance grants, fiscal year 1999-2000,
4 Contract Concept Number 56. This agenda item is for
5 approval of staff's funding recommendations for the reuse
6 assistance grants, cycle one.

7 At the October 26-27th, 1999 meeting, the Board
8 adopted Contract Concept 56, reuse assistance grants for
9 \$150,000. At the June 20th and 21st, 2000 meeting, the
10 Board adopted the scoring criteria and the process for
11 evaluating the cycle one grant applications. The NOFA
12 was mailed on July 3rd, 2000 to over 1,000 interested
13 parties, as well as made available on our web site.
14 Staff received a total of four grant applications.

15 The first application was from the City of
16 Redding. Their project was to promote and expand its
17 current reuse program; to expand its reuse-recycle
18 drop-off area by 6,825 square feet; to accept materials
19 which are currently being sent to landfills; and lastly
20 for promotion through ads, fact sheets, and a coloring
21 contest.

22 The second applicant, San Joaquin County, was to
23 develop an educational outreach program to encourage
24 businesses and residents to reuse materials; secondly, to
25 conduct waste audits for businesses generating targeted

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 materials; to develop a reuse manual identifying
2 locations that use targeted materials; an advertising
3 campaign targeting the business community; and lastly,
4 education through community newsletters, articles and
5 advertising encouraging reuse.

6 The third applicant, Tahema County Sanitary
7 Landfill Agency, their proposal is to construct a
8 building for the purpose of expanding an existing
9 materials exchange program which currently deals only
10 with household hazard waste; to include materials beyond
11 household hazardous waste and provide any separating of
12 household items.

13 The last applicant for the reuse assistance
14 grants is Ventura County. Their proposal is to implement
15 a high profile multimedia campaign to promote the use of
16 the restore; and secondly a campaign that will include
17 newspaper ads, a direct mail package, information
18 displays at key point of purchase or permit counters;
19 phone book ads, a billboard, one-on-one contact with
20 contractors pulling building permits, and regular
21 reminders to the VC Max publication and web site.

22 All four grant applications met the minimum
23 scoring criteria of 70 points. Staff is recommending
24 these proposals for funding. These four proposals total
25 \$123,954.50 in funding requested.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Are there any questions?

2 BOARD MEMBER ROBERTI: How many requests did we
3 have?

4 MS. WEIMER: How many applicants?

5 BOARD MEMBER ROBERTI: Yes.

6 MS. WEIMER: Four.

7 BOARD MEMBER ROBERTI: I suspect next year in
8 the second year of operation we'll anticipate more.

9 MS. WEIMER: Definitely. Simply because this
10 was the first grant of the cycle, a lot of people weren't
11 quite aware of it and they felt that they didn't have
12 enough time to complete a full application and they feel
13 having that in mind that they will be able to apply for
14 the second cycle. So we do anticipate receiving a lot
15 more.

16 BOARD MEMBER ROBERTI: Madam Chair, I think this
17 is a very important embarkation for the Board to start
18 the business of stressing reuse which is at the top of
19 our hierarchy in addition to recycling.

20 CHAIR MOULTON-PATTERSON: Thank you.

21 Mr. Medina.

22 BOARD MEMBER MEDINA: Madam Chair, I'd like to
23 move adoption of Resolution Number 2000-424,
24 consideration of approval of reuse assistance grant
25 awards, fiscal year 1999-2000, Contract Concept Number

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 56(1) that includes the City of Redding, County of
2 Ventura, San Joaquin County, Tehama County Sanitary
3 Landfill.

4 CHAIR MOULTON-PATTERSON: Thank you.

5 BOARD MEMBER JONES: Second.

6 CHAIR MOULTON-PATTERSON: Moved by Mr. Medina,
7 seconded by Mr. Jones, to approve Resolution 2000-424.

8 May we substitute the previous roll call?

9 Okay. Item 11. Thank you very much.

10 MS. WEIMER: Thank you. I'm also doing Item 11.

11 Item 11 is consideration of approval for CalMAX
12 Partnership Mini-Grant Awards, fiscal year 1999-2000,
13 Contract Concept 56.

14 This agenda item is for approval of staff's
15 funding recommendations for the CalMAX Partnership
16 Mini-Grants.

17 At the October 26-27, 1999 meeting, the Board
18 adopted Contract Concept 56, CalMAX Partnership
19 Mini-Grants for \$100,000. At the May 23rd-24th, 2000
20 meeting, the Board adopted the scoring criteria and the
21 process for evaluating the grant applications.

22 The NOFA, Notice of Funding Availability, was
23 mailed on May 24th, 2000, to all cities and counties in
24 California, as well as made available on the Board's web
25 site, and staff received a total of eight grant

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 applications.

2 The applications we received were by the County
3 of San Bernardino. They requested \$5,000 for their
4 production and distribution of informational brochures
5 promoting CalMAX and full funding is recommended for
6 them.

7 The second applicant, County of San Joaquin,
8 they requested \$10,000 for printing, distribution and
9 display of brochures to promote CalMAX. Full funding is
10 recommended for them as well.

11 The County of Santa Cruz was the third
12 applicant. They requested \$10,000 for staff promotional
13 time, news ads, printing costs for newspapers and
14 newsletter inserts that promote CalMAX and insert fee.
15 Partial funding of \$5,000 was recommended as staff costs
16 were not eligible.

17 The City of El Monte requested \$9,800 for staff
18 time to do waste audits and promotion, printing and
19 distribution of newsletters on CalMAX. Partial funding
20 of \$3,025 was recommended as staff costs are not
21 eligible.

22 The City of Napa was another applicant. They
23 requested \$9,965 for staff promotional time, preparation
24 of a display ad about CalMAX, and placement of that ad in
25 local newsletters and newspapers. Partial funding of

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 \$2,255 was recommended as staff costs are not eligible.

2 The City of Ontario was another applicant. They
3 requested \$5,000 for truck site advertisement to promote
4 CalMAX, printing CalMAX informational brochures and
5 report covers. Partial funding of \$3,439 was recommended
6 as this amount of applicable matching funds were
7 provided. The balance of matching funds were not related
8 to CalMAX.

9 The City of Santa Fe Springs was another
10 applicant. They requested funding for design, printing
11 and mailing of brochures and flyers. Partial funding of
12 \$7,708 was recommended as cost for clerical items was
13 determined to be excessive, \$75 an hour on the grant side
14 versus \$18 an hour on the matching side. These costs
15 were reduced to the same rate used for the matching
16 funds.

17 And the last applicant was the Novato Sanitary
18 District, City of Novato, requested \$3,400 for printing
19 and mailing CalMAX promotional brochures and placing ads
20 in trade journals. Full funding was recommended.

21 All eight grant proposals met the minimum
22 scoring requirement of 70 points. Staff is recommending
23 these proposals for funding. These eight proposals total
24 \$39,927 in funding requested.

25 Are there any questions?

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 CHAIR MOULTON-PATTERSON: All right.
2 Mr. Jones.
3 BOARD MEMBER JONES: Madam Chair, I'll move
4 adoption of Resolution 2000-425.
5 BOARD MEMBER PAPARIAN: Second.
6 CHAIR MOULTON-PATTERSON: We have a motion by
7 Mr. Jones, seconded by Mr. Paparian, to approve
8 Resolution 2000-245. Hearing no objection, we'll
9 substitute the previous roll call. Thank you very much.
10 Item 12, consideration of approval of 99-2000
11 sustainable building grant awards.
12 MS. WOHL: Agenda Item 12, consideration of
13 approval of fiscal year 1999-2000 sustainable building
14 grant awards, fiscal year 1999-2000, Contract Concept
15 Number 78.
16 Kristen McDonald will present.
17 MS. MC DONALD: Good morning, Madam Chair and
18 Board Members. My name is Kris McDonald. I work in the
19 Green Building Section.
20 This agenda item requests approval for the
21 funding recommendations of staff for the sustainable
22 building grant cycle two. Also at the October 1999 board
23 meeting, the Board adopted Contract Concept 78 for green
24 building design and construction project grants for
25 \$350,000.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 At the May 2000 board meeting, there was a
2 redirection of an additional \$72,997 for recycle to the
3 sustainable building grants. This brings the total for
4 cycle two to \$422,997. Also at the May 2000 board
5 meeting the Board adopted the scoring criteria and the
6 process for evaluating the cycle two sustainable building
7 grants.

8 The Notice Of Funds Available was mailed on June
9 1st to over 800 interested parties and was also made
10 available on our web site. Staff received a total of 15
11 grant applications.

12 Would you like me to go through those and give a
13 brief description?

14 CHAIR MOULTON-PATTERSON: Yes, very briefly.

15 MS. MC DONALD: Okay. Ventura County is for
16 construction. Their costs are going to incorporate green
17 building and recycled-content materials into their
18 construction costs. City of Berkeley is a program grant
19 and that's to support the expansion and marketing of a
20 technical assistance hotline. City of Orinda is
21 construction, and those are construction costs associated
22 with using recycled-content materials in their newly
23 remodeled city hall.

24 The City of West Hollywood is a program grant to
25 identify green building practices and to develop green

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 building criteria and support interactive workshops.
2 City and County of San Francisco is a program to develop
3 a green building tool kit along with a series of training
4 workshops. And the City of Santa Monica is a program to
5 implement design and construction guidelines.

6 Six of those 15 met the minimum scoring
7 requirement of 80 points and we're recommending these
8 proposals for funding. The proposals total \$290,310.84
9 and staff is also seeking Board approval to come back at
10 a later date with green building concepts to encumber the
11 remaining \$132,686.16.

12 Barring any questions, staff recommends option
13 one, to approve staff's recommendations and award grants
14 for sustainable building and direct staff to develop
15 proposals that are consistent with the original
16 allocation and adopt Resolution Number 2000-437.

17 BOARD MEMBER ROBERTI: Madam Chair.

18 CHAIR MOULTON-PATTERSON: Senator Roberti.

19 BOARD MEMBER ROBERTI: Last meeting we discussed
20 the possibility of using unencumbered money. I know all
21 the money our staff is telling us (inaudible) encumbering
22 it. Nevertheless, I would hope that we look at the
23 possibility of this unencumbered money as it may be
24 getting started on the trade show in southern California
25 as one of the options, not to preclude anything new

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 coming in that might be something very, very important.

2 But it's hard to find a pool of money where there isn't a
3 large number of applicants.

4 So I would just like that to be considered as we
5 vote in the future on any other requests.

6 CHAIR MOULTON-PATTERSON: Thank you, Senator
7 Roberti.

8 BOARD MEMBER MEDINA: I know that these funds
9 for the City of Berkeley are going to the technical
10 assistance hotline. I know that we had previously funded
11 them in the last two years. What did we previously fund
12 them for?

13 MS. WEIMER: We funded them for -- in cycle one
14 we funded the Shore Bird Environmental Visitors Center
15 for \$50,000, which was a construction project; and in
16 June of 2000, which also fell under the first cycle, we
17 funded the creation of a citywide green builder program,
18 \$45,000.

19 BOARD MEMBER MEDINA: Thank you.

20 CHAIR MOULTON-PATTERSON: Okay. Also I would
21 just like to ask for consideration that the money be
22 looked at for the collaborative for high performing
23 schools, would that qualify, and then also conservation
24 for a charter school project. If you could just look at
25 those when you bring back options for us.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Okay. Any other comments?

2 BOARD MEMBER EATON: I'll move we adopt
3 Resolution 2000-437.

4 CHAIR MOULTON-PATTERSON: Thank you, Mr. Eaton.

5 BOARD MEMBER JONES: Second.

6 CHAIR MOULTON-PATTERSON: Mr. Eaton moves,
7 Mr. Jones seconds, to approve Resolution 2000-437.

8 May we substitute the previous roll call?

9 MS. WEIMER: Thank you.

10 CHAIR MOULTON-PATTERSON: Thank you.

11 Item 13.

12 MS. WOHL: 13 and 14 are the remaining two
13 loans. Agenda Item 13, consideration of approval of the
14 Recycling Market Development Revolving Loan Program
15 application for Maderas LLC and Barbara Van Gee will
16 present this and the next item.

17 CHAIR MOULTON-PATTERSON: Thank you.

18 MS. VAN GEE: I'm Barbara Van Gee, RMDZ Loan
19 Program.

20 Agenda Item 13 presents for approval the Maderas
21 LLC application to the Recycling Market Development Zone
22 Revolving Loan Program. They're requesting \$337,500 to
23 finance commercial real estate, which is raw land, and
24 machinery and equipment, which is a grinder.

25 The project is located in the city of Chino

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 which is the Chino and Chino Hills Recycling Market
2 Development Zone. With this project, the company will
3 increase diversion of green waste by 3,000 tons annually.

4 If you would like a breakdown of the amount,
5 \$215,000 of the loan is going for land and \$121,000 is
6 for the grinder.

7 Staff recommends that the Board approve the loan
8 contained in Resolution 2000-431 to Maderas LLC in the
9 amount of \$337,500.

10 Any questions?

11 BOARD MEMBER EATON: I have one question.

12 MS. VAN GEE: Yes.

13 BOARD MEMBER EATON: Are all the local
14 government use permits obtained?

15 MS. VAN GEE: Yes, they are.

16 CHAIR MOULTON-PATTERSON: Mr. Jones.

17 BOARD MEMBER JONES: Madam Chair, I'll move
18 adoption of 2000-431, consideration of approval of a
19 Recycling Market Development Revolving Loan Program
20 application for Maderas LLC.

21 BOARD MEMBER MEDINA: Second.

22 CHAIR MOULTON-PATTERSON: We have a motion by
23 Mr. Jones, seconded by Mr. Medina, to approve Resolution
24 2000-431.

25 We'll substitute the -- hearing no objection,

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 we'll substitute the previous roll call.

2 Item 14.

3 MS. VAN GEE: Item 14 is consideration of
4 approval of the Recycling Market Revolving Loan Program
5 application for K&R Products, Inc. This agenda item
6 presents for approval K&R Products, Inc.'s application in
7 the amount of \$1,245,000 to purchase and install
8 machinery and equipment and make leasehold improvements.

9 The project is located in Santa Cruz, which is
10 located in the Central Coast Recycling Market Development
11 Zone. With this project, they will increase diversion
12 from 90 to 100 tons a year. Currently the company is
13 using 250 tons of virgin material annually of which 100
14 tons is going to landfills. So with this project that
15 100 tons will be diverted from the landfill.

16 The loan was approved unanimously by the Loan
17 Committee and staff recommends that the Board approve the
18 loan contained in Resolution Number 2000-433.

19 Are there any questions?

20 BOARD MEMBER JONES: I have a couple questions,
21 Madam Chair.

22 CHAIR MOULTON-PATTERSON: Mr. Jones.

23 BOARD MEMBER JONES: The 250 tons of virgin
24 resin --

25 MS. VAN GEE: Yes.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER JONES: -- is what is delivered for
2 them to make their product?

3 MS. VAN GEE: Exactly.

4 BOARD MEMBER JONES: And they make a medical
5 plastic product.

6 MS. VAN GEE: I believe so, yes, it's a medical
7 product.

8 BOARD MEMBER JONES: Can they use
9 recycled-content material to provide that medical
10 product?

11 MS. VAN GEE: From what they have told us, yes,
12 they can. They can use that. They can regrind it and
13 use it back in because it's just the waste.

14 BOARD MEMBER JONES: Is the 100 tons of
15 material -- my problem with this loan is it's really
16 being given out for source reduction and it's just a more
17 efficient way for this operator to go through 250 tons of
18 virgin material, but my question is is the new machinery
19 going to actually help them -- are we going to see a
20 hundred tons of material or is it a hundred tons of
21 material in source reduction because of a better
22 manufacturing line?

23 MS. VAN GEE: No. The 100 tons, my
24 understanding is because of the equipment, that without
25 putting in this new equipment they would not be able to

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 do the source reduction.

2 BOARD MEMBER JONES: Right. So the hundred tons
3 of source reduction or the hundred tons of diversion is
4 source reduction because they're upgrading their virgin
5 line.

6 MS. VAN GEE: Right. And my understanding is
7 the old facility would not -- the way it's set up, it's
8 in two different buildings, that they would not be able
9 to modify their existing equipment to get this reduction,
10 this additional 100 tons, that they need to be in a new
11 location and have an efficient production line in place.

12 They've also given us some information.
13 Although the contract is not signed yet, they do expect
14 to -- it's an extremely large contract for a million
15 units per day which would use 13,000 additional tons of
16 virgin feedstock per year.

17 BOARD MEMBER JONES: 13,000?

18 MS. VAN GEE: 13,000 tons.

19 BOARD MEMBER JONES: They're going to go from
20 250 tons to 13,000 tons with this equipment?

21 MS. VAN GEE: Right. And of this amount 5,148
22 tons would be diverted. So this equipment that they're
23 getting in will allow them to expand the products that
24 they can produce and the amount that they can produce.

25 CHAIR MOULTON-PATTERSON: Somewhere I read that

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 this does create some new jobs.

2 MS. VAN GEE: Yes, it does. They are expected
3 to create 10 new jobs with this project.

4 CHAIR MOULTON-PATTERSON: Thank you. Hearing
5 all questions, do we have a motion?

6 BOARD MEMBER ROBERTI: I move Resolution
7 2000-433.

8 CHAIR MOULTON-PATTERSON: Motion by Senator
9 Roberti, seconded by Moulton-Patterson, to approve
10 Resolution 2000-433.

11 Secretary, please call the roll.

12 BOARD SECRETARY: Eaton.

13 BOARD MEMBER EATON: Aye.

14 BOARD SECRETARY: Jones.

15 BOARD MEMBER JONES: Aye.

16 BOARD SECRETARY: Medina.

17 BOARD MEMBER MEDINA: Aye.

18 BOARD SECRETARY: Paparian.

19 BOARD MEMBER PAPARIAN: Aye.

20 BOARD SECRETARY: Roberti.

21 BOARD MEMBER ROBERTI: Aye.

22 BOARD SECRETARY: Moulton-Patterson.

23 CHAIR MOULTON-PATTERSON: Aye.

24 MS. VAN GEE: Thank you.

25 CHAIR MOULTON-PATTERSON: Thank you.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER PAPARIAN: Before we go ahead --

2 CHAIR MOULTON-PATTERSON: We do need to take a
3 break, so go ahead.

4 BOARD MEMBER PAPARIAN: I think there was
5 questions raised about what type of facility this loan is
6 really going for and how much material was really being
7 diverted for the amount of money that's being spent on
8 it. Somehow I'd like to see us consider the whole
9 process in the future to ensure that we're maximizing the
10 amount of diversion for the limited amount of money we
11 have for this program.

12 MS. VAN GEE: Yes, we are looking at that, at
13 doing that.

14 CHAIR MOULTON-PATTERSON: Thank you,
15 Mr. Paparian. And now we'll take a ten-minute break.

16 (Recess taken.)

17 CHAIR MOULTON-PATTERSON: I'd like to call the
18 meeting back to order and it's that part of our agenda
19 for permits.

20 Mr. Walker, Item Number 16.

21 MR. WALKER: Thank you, Madam Chair. Scott
22 Walker, Permitting and Enforcement Division.

23 Under this category today we have two
24 consideration of revised Solid Waste Facility Permits for
25 transfer processing stations. One, consideration of a

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 revised Solid Waste Facility Permit for a landfill. We
2 then had an information item on the semiannual update on
3 the inventory of Solid Waste Facility Permits that are
4 violating state minimum standards, and then finally we
5 will have consideration of the adoption of the proposed
6 regulations on the enforcement.

7 With that, Mark DeBie will present the
8 Permitting and Enforcement items.

9 CHAIR MOULTON-PATTERSON: Thank you.

10 MR. DE BIE: Thank you, Scott. Mark DeBie with
11 the Permitting and Inspection Branch.

12 Item 16 is the consideration of a revised Solid
13 Waste Facility Permit for the San Bruno Transfer Station
14 in San Mateo County.

15 With this revised permit, the permitted tonnage
16 will increase from 120 tons per day to 250 tons per day.
17 There will also be an increase in hours of operation
18 during Monday through Friday and adding Saturday
19 operations.

20 Board staff have been able to make all of the
21 required findings for this revised permit and, therefore,
22 staff recommend that the Board adopt Solid Waste Facility
23 Permit Decision Number 2000-440 concurring in the
24 issuance of Solid Waste Facility Permit 41-AA-0014.

25 Representatives from the operator are present,

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 and if you have any questions I can answer them or the
2 operator can.

3 CHAIR MOULTON-PATTERSON: Mr. Paparian.

4 BOARD MEMBER PAPARIAN: I think I asked this
5 last week, but as far as you know there are no public
6 concerns about the change.

7 MR. DE BIE: As far as we know. We have heard
8 no information about public concerns. This is a light
9 industrial area, very few residents even near the
10 facility.

11 BOARD MEMBER JONES: Madam Chair.

12 CHAIR MOULTON-PATTERSON: Mr. Jones.

13 BOARD MEMBER JONES: Actually there are no
14 residents near this facility and these guys are usually
15 here at 2:00 in the morning but they couldn't dump until
16 5:00.

17 I'll move adoption of Resolution 2000-440,
18 consideration of a revised Solid Waste Facility Permit
19 for the San Bruno Transfer Station in San Mateo County.

20 BOARD MEMBER MEDINA: Second.

21 CHAIR MOULTON-PATTERSON: Thank you. Mr. Jones
22 moves, Mr. Medina seconds, to approve Resolution
23 2000-440.

24 Would the secretary please call the roll.

25 BOARD SECRETARY: Eaton.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER EATON: Aye.

2 BOARD SECRETARY: Jones.

3 BOARD MEMBER JONES: Aye.

4 BOARD SECRETARY: Medina.

5 BOARD MEMBER MEDINA: Aye.

6 BOARD SECRETARY: Paparian.

7 BOARD MEMBER PAPARIAN: Aye.

8 BOARD SECRETARY: Roberti.

9 BOARD MEMBER ROBERTI: Aye.

10 BOARD SECRETARY: Moulton-Patterson.

11 CHAIR MOULTON-PATTERSON: Aye.

12 Item 17.

13 MR. DE BIE: Agenda Item 17 is consideration of
14 a revised Solid Waste Facility Permit for the Universal
15 Refuse Removal Recycling and Transfer Facility in San
16 Diego County.

17 With this revised permit, tonnage levels will
18 increase from 1,000 tons per day to 2,000 tons per day
19 and a household hazardous waste collection facility will
20 be included as part of the operation.

21 Again, all of the findings have been made by
22 staff. During the briefing there were some questions
23 about level of noticing, and through communication with
24 the LEA and the operator we've been able to identify that
25 there was thorough CEQA noticing as well as noticing

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 related to amendments to the NDFE. Minimum requirements
2 were met in terms of 300-foot noticing around the
3 facility, but surrounding cities as well as some nearby
4 schools and the school districts were noticed and those
5 are beyond the 300-foot circle.

6 Since staff has been able to make all the
7 findings, we recommend that the Board adopt Solid Waste
8 Facility Permit Decision 2000-441 concurring in the
9 issuance of the Solid Waste Facility Permit 37-AA-0929.

10 The LEA from San Diego County is present as well
11 as representatives from the operator if you have any
12 questions.

13 CHAIR MOULTON-PATTERSON: Thank you, Mr. DeBie.

14 Before we take questions, I had forgotten to ask
15 if any members have ex parte disclosure.

16 Mr. Eaton.

17 BOARD MEMBER EATON: Nothing at this time.

18 CHAIR MOULTON-PATTERSON: Mr. Jones.

19 BOARD MEMBER PAPARIAN: No.

20 CHAIR MOULTON-PATTERSON: Mr. Medina.

21 BOARD MEMBER MEDINA: Nothing to report.

22 CHAIR MOULTON-PATTERSON: And I have none.

23 Okay. Sorry.

24 Any questions on this item, Item 17?

25 BOARD MEMBER PAPARIAN: I did bring up --

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 CHAIR MOULTON-PATTERSON: Mr. Paparian.

2 BOARD MEMBER PAPARIAN: Thank you.

3 I did bring up in the briefing session a
4 question about waste going from this facility out of
5 state and I have had that question answered to my
6 satisfaction, although I do intend in the future to
7 explore the issue of the amount of waste that is going
8 out of state, not just from this facility but from any
9 number of jurisdictions or facilities.

10 CHAIR MOULTON-PATTERSON: Thank you,
11 Mr. Paparian.

12 BOARD MEMBER JONES: Madam Chair.

13 CHAIR MOULTON-PATTERSON: Mr. Jones.

14 BOARD MEMBER JONES: I'll move adoption of
15 Resolution 2000-441, consideration of a revised Solid
16 Waste Facility Permit for Universal Refuse Removal
17 Recycling and Transfer in San Diego County.

18 BOARD MEMBER MEDINA: Second.

19 CHAIR MOULTON-PATTERSON: We have a motion by
20 Mr. Jones, seconded by Mr. Medina.

21 Secretary, please call the roll.

22 BOARD SECRETARY: Eaton.

23 BOARD MEMBER EATON: Aye.

24 BOARD SECRETARY: Jones.

25 BOARD MEMBER JONES: Aye.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD SECRETARY: Medina.

2 BOARD MEMBER MEDINA: Aye.

3 BOARD SECRETARY: Paparian.

4 BOARD MEMBER PAPARIAN: Aye.

5 BOARD SECRETARY: Roberti.

6 BOARD MEMBER ROBERTI: Aye.

7 BOARD SECRETARY: Moulton-Patterson.

8 CHAIR MOULTON-PATTERSON: Aye.

9 Item 18.

10 MR. DE BIE: Item 18 is the consideration of a
11 revised Solid Waste Facility Permit for the Bakersfield
12 Metropolitan, also known as Bena Sanitary Landfill, in
13 Kern County.

14 I believe the Board Members, as well as staff,
15 have received a revised agenda correcting some typos on
16 page 2. We inadvertently indicated there was a
17 composting area. It should be disposal area. On page 3
18 we corrected the closure date on number 4 on page 3 from
19 2100 to 2038. Those are included in the revised agenda
20 and I believe that revised agenda is posted on the
21 Board's web site.

22 This permit will allow an increase of disposal
23 area to increase from 54 acres to 229 acres. There's
24 also an increase in tons per day that will be received at
25 the facility, increasing from 1,704 to 4,500 tons per

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 day. There will be an increase in the total area of the
2 landfill from 2,165 acres to 2,285 acres. The closure
3 date is being adjusted to reflect new calculations from
4 2057 to 2038. There's an increase in elevation of the
5 fill area from 1,140 to 1,520 feet, and the overall
6 capacity will increase from approximately 6.9 million
7 cubic yards to 53 million cubic yards.

8 Again, all of the findings have been made by
9 Board staff regarding this facility and this revised
10 permit, and so staff recommend that the Board adopt Solid
11 Waste Facility Permit Decision 2000-443 on the
12 concurrence of the issuance of Solid Waste Facility
13 Permit 15-AA-0237.

14 Nancy Ewert of the Kern County Waste Management
15 Department is present and would like to speak to the
16 Board.

17 CHAIR MOULTON-PATTERSON: Thank you.

18 MS. EWERT: Good morning, Madam Chairman and
19 Members of the Board.

20 You might say that the Bena Sanitary Landfill is
21 the jewel of the Kern County waste disposal system. The
22 site actually has about 2,300 acres and is a
23 master-planned disposal capacity of over 440 million
24 cubic yards.

25 The Bena Sanitary Landfill began operations in

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 1992 as a fully lined landfill site. The original permit
2 covered only waste management unit one, which was 7
3 million cubic yards, and we are proposing a revised
4 permit which now covers waste management unit two with a
5 design capacity of 46 million cubic yards.

6 Some questions arose during the Board briefing
7 that concerned this permit and I'd like to address those
8 issues. They basically focused around Kern County's
9 import policy and also Kern County's diversion status.

10 The 1999 reported diversion rate is right at 50
11 percent. However, Kern County desires to have a healthy
12 and comfortable compliance margin. Therefore, the Kern
13 County Board of Supervisors has recently approved
14 mandatory collection in the metropolitan Bakersfield area
15 which will facilitate the expansion of curbside green
16 waste and composting. The County is also contracted with
17 the metro haulers to construct a C&D MRF.

18 The combination of these two programs is
19 expected to give Kern County a very healthy and
20 comfortable compliance margin with the diversion goals.

21 Kern County has a long-standing policy
22 prohibiting out-of-county waste or disposal of
23 out-of-county waste. There are minor exceptions to this
24 policy. The Board has entered into contracts with Inyo
25 County, San Bernardino County, and Ventura County to

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 service their more remote areas.

2 Kern County is also the home of Community
3 Recycling and Resource Recovery. This facility is a
4 regional composting facility which brings waste in from
5 basically the L.A. basin. Approximately 12,000 tons of
6 waste is disposed at Kern County landfills from this
7 facility, but it is tracked back to the jurisdictions
8 which generate the waste.

9 If there are any other questions regarding the
10 permit, I would be happy to answer them.

11 CHAIR MOULTON-PATTERSON: Mr. Paparian.

12 BOARD MEMBER PAPARIAN: The Kern County's
13 current disposal, your current generation, is that about
14 1,800 tons per day? Is that about right?

15 MS. EWERT: Kern County on average disposes of
16 about 1,800 tons per day. The Bena Landfill right now is
17 permitted for just over 1,700 tons per day and we
18 actually on an average only receive about 800 tons a day,
19 but we have been known to exceed our 1,700 tons per day
20 when we have large construction projects or programs like
21 that.

22 Kern County right now is in the process of
23 consolidating down our facilities. Our Board of
24 Supervisors approved an infrastructure plan in 1992 which
25 called for reducing landfills from 15 throughout the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 county down to three to four regional sites. Kern County
2 has reduced facilities now. We only have eight operating
3 landfills. In the next two years we expect to close down
4 two more and further convert those to transfer stations.
5 One of those facilities is our Arven Landfill which
6 accepts about another 700 to 800 tons a day. So we are
7 asking in our permit for 4,500 tons per day to cover the
8 peaks that the Bena facility could experience and also
9 looking at about a 15-year planning window.

10 BOARD MEMBER PAPARIAN: You also say the
11 ultimate capacity of the facility will be 440 million
12 cubic yards?

13 MS. EWERT: That's correct. That's our master
14 planned build-out of this facility.

15 BOARD MEMBER PAPARIAN: This is curiosity here.
16 It looks like and sounds like a big regional facility,
17 regional being like southern California.

18 MS. EWERT: It's really not, but Kern County has
19 been bitten in the past where we actually permitted our
20 facilities for our average daily tonnages and we've
21 received violations. So over the last several years as
22 we've permitted our facilities, we've permit them for
23 that maximum peak to also give ourselves plenty of
24 leeway.

25 As we consolidate down our facilities, the other

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 landfills, that waste will all be moving, especially with
2 the Arven Landfill, will be moving to Bena. So we need
3 to give ourselves a comfortable -- some comfortable room,
4 working space there so that we don't exceed our permit.

5 BOARD MEMBER PAPARIAN: Right. But when you
6 combine the peaks with the capacity, though, and the
7 ultimate capacity, it still sounds big.

8 MS. EWERT: And it is.

9 BOARD MEMBER PAPARIAN: It seems like you could
10 take --

11 MS. EWERT: And you might say --

12 BOARD MEMBER PAPARIAN: -- many times the county
13 generation.

14 MS. EWERT: And I think that's the difference
15 just between looking at averages and peaks. Our peak
16 basically will allow us that latitude, but when you're
17 looking at Bena, I know 440 million cubic yards is a lot
18 of capacity and Kern County is being extremely farsighted
19 to make sure we have ample capacity way past 15 years.
20 We're looking -- Bena will give the metropolitan
21 Bakersfield area capacity well into the 22nd century and
22 that's exactly where Kern County wants to be. We sited
23 this large facility so we don't have to site another one
24 for many, many, many years.

25 BOARD MEMBER PAPARIAN: This gets at a broader

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 issue than just this facility, but I think that it will
2 be important for us in the future to get a handle on what
3 is the state in regional capacity that's out there and
4 planned to be out there and what does that mean in terms
5 of regional generation and disposal. And my
6 understanding is we don't have a firm handle at the Board
7 level yet on what that capacity and expected capacity is.
8 That's not a question for you, that's for my fellow Board
9 Members.

10 MS. EWERT: I understand.

11 BOARD MEMBER EATON: I have a couple questions.

12 CHAIR MOULTON-PATTERSON: Mr. Eaton.

13 BOARD MEMBER EATON: If this is going to take
14 you into the 21st or 22nd century, why are you changing
15 the closure date to a date closer?

16 MS. EWERT: The master planned site has this 440
17 million cubic yards of capacity but our waste management
18 unit two looks at 46 million cubic yards at that capacity
19 so the closure date is only through the end of waste
20 management unit two. The master planning for the site
21 includes a waste management unit three and a waste
22 management unit four and so -- but basically our crystal
23 ball is only so clear, so we're just permitting right now
24 for waste management unit two.

25 BOARD MEMBER EATON: And so that the 46 million

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 is based upon today's estimates; correct?

2 MS. EWERT: Today's estimates, correct.

3 BOARD MEMBER EATON: Explain because this is the
4 first time I've seen a permit like this, and I don't
5 really have a problem except for one area. You have a
6 tremendous amount of horizontal expansion, correct? You
7 have acreage.

8 MS. EWERT: No. Actually our site was right
9 at --

10 BOARD MEMBER EATON: 2,100 to 2,200.

11 MS. EWERT: Right. And the only difference was
12 that -- was all within our original permitted boundary
13 but it was under a BLM and clouded by a mining claim and
14 it was BLM property. Although it was actually within our
15 facility boundary, it couldn't be included in our total
16 acreage from BLM. It was a very small piece.

17 BOARD MEMBER EATON: So what's the total
18 footprint, acreage?

19 MS. EWERT: The whole site is just at 2,300
20 acres, but we have about 1,200 acres of disposal capacity
21 with 1,200 acres of buffer. We have purchased a buffer
22 all around our site.

23 BOARD MEMBER EATON: I understand you've got a
24 lot of space for expansion. I don't understand why we're
25 going vertical.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MS. EWERT: We're not going vertical.

2 BOARD MEMBER EATON: It says right here increase
3 in maximum elevation from 1,140 to 1,520.

4 MS. EWERT: Well, this --

5 BOARD MEMBER EATON: So now you're asking to go
6 this way and this way, and I would like some information
7 from the staff as to why -- vertical is usually a last
8 resort. Why are we going vertical so early?

9 MS. EWERT: This is a new unit and we are on a
10 canyon fill and so the elevations across the site are
11 probably a thousand feet. This is a fairly -- this is
12 right in the foothills going up into the Tehachapi
13 mountains. So waste management unit two, you're correct,
14 is moving within our 1,200 acre disposal area but it's a
15 little bit higher on the site so they list the maximum
16 elevation as what is the maximum overall elevation from
17 sea level to the site. So we're picking up a little
18 elevation as we develop.

19 BOARD MEMBER EATON: So the elevation that you
20 seek relates to the topographical.

21 MS. EWERT: Correct.

22 BOARD MEMBER EATON: And we have your assurances
23 that it's not to add additional capacity based upon
24 vertical expansion.

25 MS. EWERT: No. Waste management unit one is

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 pretty much set. Waste management unit two is an
2 entirely new waste management unit, entirely separate
3 from the original waste management unit. So no, it is
4 not a vertical expansion of our original permit.

5 CHAIR MOULTON-PATTERSON: Any other questions?
6 Thank you.

7 BOARD MEMBER EATON: I know you're not bringing
8 sludge in.

9 MS. EWERT: No, sir. We're not.

10 CHAIR MOULTON-PATTERSON: Mr. DeBie.

11 MR. DE BIE: I just wanted to add two cents in
12 that I think Board staff appreciate the way this permit
13 is coming forward in a phased approach. Potentially the
14 operator could have asked for everything that was
15 reviewed in the CEQA document, which is basically their
16 master plan. But in bringing it in a phased approach we
17 can look at it in stages, and if circumstances change or
18 situations change, there's always an opportunity to
19 address the issues in the permit.

20 So in terms of again what Board staff appreciate
21 is an overall vision of where the facility is going in
22 the long-term but then phasing in your permit over time
23 so that we can have the -- a good control over how things
24 progress.

25 CHAIR MOULTON-PATTERSON: Senator Roberti.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER ROBERTI: On this landfill, it's
2 hard to place another requirement on a jurisdiction which
3 I think is what they're at 50 percent. However, there
4 appears to be a gaping omission and I don't know what we
5 should do about it except maybe develop some policies. I
6 don't believe any of this waste goes through a recycling
7 facility; is that correct? It goes to the landfill.
8 Maybe I am wrong, but I think that's what is the case
9 here.

10 That being the case, it seems something so
11 simple and something that is being ignored and so
12 elementary as to what we should be doing, but the
13 jurisdiction apparently is at 50 percent and I don't see
14 where we have the authority to impose anything greater on
15 them except that it seems to be quite apparent that
16 they're not doing this.

17 I would hope maybe we would start having some
18 agendas not only on the issues of regionalization, which
19 Mr. Paparian aptly raised, but also on the materials
20 going through a recycling center before they're
21 landfilled and I hope we could develop something along
22 those lines.

23 CHAIR MOULTON-PATTERSON: Any other comments?

24 Mr. Jones.

25 BOARD MEMBER JONES: Just one. I understand the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 desire, but I look at PRC 43021 which basically prohibits
2 this Board from -- this Board's regulations shall include
3 standards for design, operation, maintenance and ultimate
4 reuse of the facility, but shall not include aspects of
5 handling, disposal, which are solely local concerns or
6 are within the jurisdiction of the Air Board, Air
7 Pollution District or Air Quality District or the Water
8 Board.

9 I only bring that up because that was a -- I
10 think it's one of the policies we're going to end up
11 talking about when we get all our 30. This was a --

12 BOARD MEMBER ROBERTI: If it's statute, we're
13 bound by it. And hopefully this is a good example of
14 maybe hoping the Legislature will be changing the
15 statute. It seems to be absolutely contrary to
16 everything we should be doing to have this product
17 landfilled without going through a MRF which is so simple
18 to do, but we are bound by statute.

19 BOARD MEMBER JONES: And I appreciate that.
20 Madam Chair.

21 CHAIR MOULTON-PATTERSON: Mr. Jones.

22 BOARD MEMBER JONES: I'll move adoption of
23 Resolution 2000-443, consideration of a revised Solid
24 Waste Facility Permit for the Bakersfield Metropolitan
25 Bena Sanitary Landfill in Kern County.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 CHAIR MOULTON-PATTERSON: Motion by Mr. Jones.
2 Second?
3 BOARD MEMBER EATON: I'll second the motion.
4 CHAIR MOULTON-PATTERSON: To approve Resolution
5 2000-443.
6 Please call the roll.
7 BOARD SECRETARY: Eaton.
8 BOARD MEMBER EATON: Aye.
9 BOARD SECRETARY: Jones.
10 BOARD MEMBER JONES: Aye.
11 BOARD SECRETARY: Medina.
12 BOARD MEMBER MEDINA: Aye.
13 BOARD SECRETARY: Paparian.
14 BOARD MEMBER PAPARIAN: Aye.
15 BOARD SECRETARY: Roberti.
16 BOARD MEMBER ROBERTI: Aye.
17 BOARD SECRETARY: Moulton-Patterson.
18 CHAIR MOULTON-PATTERSON: Aye. The motion
19 passes.
20 19 was pulled which moves us to 20.
21 MR. DE BIE: Thank you. Item 20 is the
22 semiannual update and publication of the inventory of the
23 solid waste facilities violating state minimum standards.
24 This is an informational item. No Board action is
25 required.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Basically over the last six months we've seen
2 three facilities come on the inventory but we've also
3 seen three facilities come off. So we've maintained a
4 number of facilities on the list at and around 17.

5 In this item staff has attempted to provide the
6 Board with additional information as a result of our
7 workshop with the Board. One of the recommendations was
8 to include additional information on the inventory
9 posting, but with any start-up there's some errors and
10 some mistakes made.

11 We depended on the LEAs to some extent for this
12 information and it was difficult to verify in some cases
13 the specifics on some of the information because of
14 timing issues. But I just wanted to highlight a couple
15 corrections to attachment 1, which is -- attachment 3.
16 Sorry. Which is multiple pages.

17 On page 1 talking about the Amador County site,
18 the information indicates that ACES, Inc. is the owner.
19 They actually lease the facility from the County. The
20 County retains ownership and does continue to pay into
21 the financial assurance mechanisms for that facility. So
22 we are correcting that.

23 And then on page 5 on the Lone Pine
24 informational page it indicates that -- the information
25 that we had from the LEA is that the operator had applied

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 for the facility compliance loan, and what was actually
2 occurring is they had sent a letter of inquiry to the
3 Board about applying for the loan but actually did not
4 submit an application to the Board on that.

5 I just wanted to indicate that we do have two
6 facilities on the inventory that have applied for a
7 facility compliance loan and that's Red Bluff Landfill
8 and Brawley Landfill.

9 After this item is heard, Board staff will
10 publish the list on the Board's web page and the next
11 time the update will be heard will be in six months,
12 around April.

13 CHAIR MOULTON-PATTERSON: Mr. Eaton.

14 BOARD MEMBER EATON: How many of these are
15 public? Are they all public facilities? What's the
16 percentage?

17 MR. DE BIE: Let's see how we gave it to you.
18 I would have to flip through attachment 3. I didn't have
19 the summary. Change one to be a public. It looks like
20 16 out of 17 are public.

21 BOARD MEMBER EATON: Now, you also mentioned the
22 fact that 10 of the 16 have enforcement orders and five
23 have no enforcement orders. What does that mean to us as
24 a Board to sit there and say that we have five facilities
25 that violate state minimum standards? (Inaudible). It's

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 a little disconcerting. Is it the LEA's problem or is it
2 that we as a Board haven't gone and acted on a public
3 agency? I just want to find out what the --

4 BOARD MEMBER PAPARIAN: I have an addendum to
5 that question to get the full picture. Of the ten
6 enforcement orders, several have expired.

7 BOARD MEMBER EATON: That's what it looks like.

8 BOARD MEMBER PAPARIAN: Not only that, but some
9 that have expired.

10 CHAIR MOULTON-PATTERSON: Mr. DeBie.

11 MR. DE BIE: The statute relative to the
12 inventory requires that the LEA develop a compliance
13 schedule for any facility that is listed on the
14 inventory, but compliance schedule is not well defined in
15 either statute or reg. What Board staff have encouraged
16 LEAs to do is incorporate a schedule into an enforcement
17 order such as a Notice and Order or Corrective Action
18 Order.

19 And so when they have done that, we've been --
20 we are given copies of those orders and we can track them
21 and record them and track them. Whether or not these
22 other facilities listed here that indicate they have no
23 order, we're not sure whether they have a compliance
24 schedule or not. When we inquire on the LEA and ask them
25 whether or not they have an enforcement order, the answer

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 is no. We asked them if they're seeing compliance
2 towards what was agreed upon. They're saying yes.

3 So it may be that some LEAs are finding other
4 mechanisms other than orders to keep the operator
5 towards -- moving towards compliance, but there isn't a
6 requirement to put a Notice and Order. The reason why
7 we're giving you information about the Notice and Order
8 is because we have access to that information. We don't
9 have direct access to compliance schedule kinds of
10 things, which again are not defined.

11 BOARD MEMBER EATON: But if they violate state
12 minimum standards -- I'm a little confused.

13 MR. DE BIE: There's no requirement to issue an
14 order if they violate state minimum standards. It's the
15 LEA's option to issue an order. The enforcement regs
16 that are the next item coming up will delineate much more
17 carefully than existing regs on the obligation of the LEA
18 to issue orders in certain circumstances. They will also
19 lay out the criteria that Board staff can use or the
20 Board can use to verify whether or not the LEA is taking
21 appropriate enforcement action which would then trigger
22 the possibility of the Board stepping in and taking
23 direct enforcement action.

24 BOARD MEMBER EATON: Do you see any kind of
25 nudging of the LEAs as possible?

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MR. DE BIE: With the new enforcement regs
2 there's many more tools available, both in explanation
3 and sending out expectations and process for the Board
4 and Board staff to use to nudge LEAs.

5 BOARD MEMBER EATON: Perhaps an evaluation.
6 Don't we evaluate the LEAs? And if they didn't act on
7 state minimum standards, that is something we would note?

8 MR. DE BIE: Yes. That would definitely come
9 out in an evaluation and would show up in a work plan for
10 the LEA to address.

11 CHAIR MOULTON-PATTERSON: Mr. Jones.

12 BOARD MEMBER JONES: Thanks, Madam Chair. Under
13 the PEP policy, would that -- some of the ones that are
14 not covered with a Notice and Order, would they be
15 covered under that policy where a schedule is put
16 together? Would that be right?

17 MR. DE BIE: The Permit Enforcement Policy, the
18 PEP policy?

19 BOARD MEMBER JONES: Maybe I'm saying it the
20 wrong way. Whatever the -- yeah. That the LEAs devised
21 with this Board to give them tools to help bring these
22 jurisdictions into compliance. And one of them, I
23 thought, before it went to Notice and Order they could
24 work on a work plan and have some specific dates when
25 certain things had to be completed, and then if that

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 wasn't honored then it went to a Notice and Order.

2 MR. DE BIE: Both through policy and in
3 regulation there's an increasing scale of enforcement
4 that is recommended that the LEAs take and ultimately
5 leading to Notice and Orders and then enforcing those
6 orders. So there's many things that occur prior to the
7 issuance of a Notice and Order. That's in the current
8 enforcement policy. It could be refined in the process
9 that's going now to address the PEP policy which is more
10 specific to permits.

11 BOARD MEMBER JONES: I may have said it the
12 wrong way. There's so many acronyms. You knew what I
13 was talking about.

14 MR. DE BIE: Right.

15 BOARD MEMBER JONES: One question on Inyo.
16 We've gotten all of the facilities in Inyo County off of
17 this list and they've reappeared. Is it because of a
18 site visit a couple of months in a row where they had
19 litter? That concerns me because they had been working
20 awfully hard to get into compliance, and if they're
21 falling back I'd like to know because I don't like
22 wasting my time and I don't like wasting our staff's
23 time, but I felt pretty good the day we got them off this
24 list.

25 MR. DE BIE: I don't know specifics on that

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 case, but talking with staff I think it is a result of a
2 recent staff visit and it may be some slippage occurring.
3 We can increase our message to them to get back on the
4 wagon.

5 BOARD MEMBER JONES: Would you just let us know
6 because I think three or four of us here voted or were
7 very happy the day they got off this thing and it took an
8 awful long time to get them into compliance. I think our
9 offices would appreciate that.

10 MR. DE BIE: Okay.

11 CHAIR MOULTON-PATTERSON: Mr. Paparian.

12 BOARD MEMBER PAPARIAN: I want to go back to
13 something that I think I heard you say and that is it
14 appears that some of these facilities are under some sort
15 of verbal compliance understandings, not --

16 MR. DE BIE: It's hard to pin down things when
17 you talk to the LEA in terms of what the understanding,
18 the relationship is, what's formal, what's informal
19 relative to some of these sites, so I don't want to make
20 a broad statement to say there's nothing in existence
21 with these sites when a Notice and Order is not included.

22 That's something definitive that we can point
23 to, that we get information on but yes, there may be some
24 situations where the only requirement is that the
25 operator continue working towards a goal and that goal is

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 so defined only in verbal agreement. Again, there's a
2 sliding scale towards ultimate enforcement. That's an
3 option to the LEA.

4 BOARD MEMBER PAPARIAN: That's -- that makes me
5 real uncomfortable for these sorts of situations,
6 especially when they're showing up on our list of
7 violating minimum standards, to have that ability to get
8 off a list potentially on verbal understandings. It's
9 troubling.

10 If we wanted to move in the direction of
11 assuring that any efforts towards compliance were
12 chronicled in writing by the LEAs, would that take an
13 action by the Board, could you do it through an LEA
14 advisory, or would there be some other mechanism to deal
15 with that?

16 MR. DE BIE: Since we're dealing with a word or
17 words in statute, we would need to probably address that
18 through regulation in defining what we mean by compliance
19 schedule. I don't think a policy would be the mechanism
20 to use. I think it would need a regulatory change or
21 statutory change to indicate not a compliance schedule or
22 a compliance schedule should mean Notice and Order or
23 something like that.

24 BOARD MEMBER PAPARIAN: Those are the words in
25 statute, compliance schedule?

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MR. DE BIE: Compliance schedule.

2 BOARD MEMBER PAPARIAN: My common sense
3 understanding of a schedule would be something that would
4 be written on a piece of paper. But I guess to our
5 counsel, would we need -- what would we need to clarify
6 what it means to be a compliance schedule?

7 MS. TOBIAS: I think it's always safest to have
8 it in the regulations so that you have a chance to hear
9 from the regulated stakeholders and the public as to how
10 you're defining a term if it's not defined in statute.

11 BOARD MEMBER PAPARIAN: If I were a member of
12 the public and I wanted to go see the compliance schedule
13 that's mandated by the law in some of these cases, I
14 wouldn't be able to do it, it sounds like, because it
15 wouldn't exist. It's in somebody's head.

16 MS. TOBIAS: I see what you're saying and I
17 definitely think that there's a plain meaning aspect to
18 that statute that I think does imply a schedule, does
19 imply something that has to be met, but I think that if
20 the statute doesn't say a written compliance order or say
21 it must, shall be a part of the enforcement order itself,
22 we could certainly look at it and come back to the Board
23 with a legal, if you want that, but I tend to feel that
24 doing things in the regulations with a definition is by
25 far the safest approach.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MR. DE BIE: There may be information associated
2 with the compliance issues at the site that would help
3 the public understand what's occurring. For example, the
4 inspection report may indicate or describe what the
5 violation is. It may also indicate in that inspection
6 report what the LEA is asking the operator to do. It may
7 be saying please continue working towards addressing your
8 litter issue by applying for the facility compliance loan
9 program or something to that.

10 So there would be a record that would indicate
11 the LEA's communication to the operator relative to this,
12 but there might not be a separate formalized compliance
13 schedule set out.

14 BOARD MEMBER PAPARIAN: The ones here that you
15 mentioned that were not quite clear, did you go back and
16 look at those inspection reports to see if that was
17 the --

18 MR. DE BIE: To the extent that they did note
19 the violation and the description, but staff didn't
20 research to the level of determining whether that was the
21 mechanism used by the LEA. We can do that. We can
22 develop more information for you to report that.

23 CHAIR MOULTON-PATTERSON: Would the Board be
24 comfortable with directing staff to return with an
25 update, say in January, with a proposed method to define

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 compliance schedule and educate the LEAs so that all
2 facilities on the list have a compliance schedule as
3 required?

4 Steve. I mean Mr. Jones.

5 BOARD MEMBER JONES: That's fine. I don't have
6 a problem with that, but I think that as part of that or
7 maybe before that one of the things that we have to look
8 at with these chronic violators, these are violations
9 that happen on monthly inspection reports when an LEA
10 goes into a facility and inspects. So we've got some
11 here for litter and for daily cover, and they could be a
12 result of Santa Ana winds, any kind of winds, lack of
13 personnel on the site, the fact that the LEA happened to
14 walk in at a time just prior to somebody going out.

15 I don't know. I don't know what facilitated
16 that, but I see three or two of these chronic violators
17 have litter and daily cover. That could be a condition
18 that needs to be remedied similar to what we did in Inyo
19 County which was the Board of Supervisors, they refused
20 to put the dollars into the budget to allow them to do
21 that, and it was enough pressure by this Board that they
22 did allocate those dollars and rectify a lot of those.
23 Also they had to put fencing around those entire
24 facilities, which the residents felt it was their
25 inalienable rights to go there 24 hours a day. So there

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 were some big things.

2 That monthly inspection report is when the
3 violation is noted, and I think one of the things that
4 we've got to -- what I would like to see is in relation
5 to your idea, Ms. Chairman, is to look at how these
6 things come forward because in fact they do come off the
7 inspection reports. A lot of them are long-term because
8 they're gas violations. Those ones that aren't means, I
9 think, that in two consecutive months the same violation
10 was noted; correct?

11 MR. DE BIE: Correct. And that stimulates a
12 notice that we intend to put them on the inventory and
13 that gives them an additional 90 days to correct.

14 BOARD MEMBER JONES: To fix the problem.

15 MR. DE BIE: And if they haven't corrected 90
16 days after that notice, then they go on the list.

17 BOARD MEMBER JONES: So really as part of a
18 discussion item it would seem to me that it would be
19 appropriate if we keep seeing litter and grading and site
20 security, that part of this presentation needs to include
21 what did the LEA instruct the operator to do and what has
22 the operator agreed to before we say -- because I worry a
23 little bit that if we say it's got to be a Notice and
24 Order for litter that there may be something -- every one
25 of these is a public operator except one.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 These are all owned and operated by cities and
2 counties. The pressure from this Board in trying to
3 increase this level of scrutiny I think is going to have
4 the same benefit -- to write a Notice and Order for a
5 litter violation, it may end up going away 30 days later,
6 it may hamstring some people, but we can have that
7 discussion to see.

8 Notice and Orders do take a little while to go
9 through, but I'd like to see these just a little more
10 delineated as far as what were the sense of the violation
11 and what is the remedy that's being put in place, and in
12 a lot of cases the County won't act on these things and
13 the LEAs continue to write them up hoping that this Board
14 will be the lightning rod to force a jurisdiction to
15 spend the money to do that because staff is frustrated
16 that they can't ever get part of that allocation.

17 CHAIR MOULTON-PATTERSON: Would you come back
18 say in January?

19 MR. DE BIE: Okay. If I could seek
20 clarification. In expectation in January to provide
21 additional information about the facilities that were
22 listed today during this meeting or --

23 CHAIR MOULTON-PATTERSON: I think just define
24 compliance schedule and, as Mr. Jones said, why these
25 were listed.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MR. DE BIE: Two things then.

2 BOARD MEMBER ROBERTI: Would these be coming
3 back to us as a discussion item or a consideration item?
4 My point is I seem to understand if it comes back as a
5 discussion item and we want to take action, we can't do
6 anything. If it comes back as a consideration item, it's
7 serious enough that we would want to take action.

8 CHAIR MOULTON-PATTERSON: Would January, if we
9 notice and everything, give enough time? If it could
10 come back as a discussion with the possibility of taking
11 action? Ms. Tobias?

12 MS. TOBIAS: Can I clarify? When something is
13 noticed as a discussion item, what that means -- it's a
14 key word, if you will, to the public meaning that the
15 Board will only be discussing that item and not taking
16 any action at that time. If the item is noticed as a
17 consideration item, the Board does not have to take
18 action but that merely tells the public that the Board
19 may be taking action on that.

20 But that's the way we've noticed the agenda is
21 to give the public that kind of notice that either
22 something is just going to be discussed or there's a
23 possibility of the Board acting.

24 CHAIR MOULTON-PATTERSON: I think maybe we would
25 want the leeway that we could take action, but the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 stakeholders would have a chance to give us their
2 comments.

3 MS. TOBIAS: I think that's --

4 BOARD MEMBER JONES: Take action on a new policy
5 or on what?

6 CHAIR MOULTON-PATTERSON: On the definition.

7 BOARD MEMBER ROBERTI: On the definition. It
8 appears we need to change the definition, which we could
9 do so.

10 MS. TOBIAS: What it may require is that the
11 Board go into a rulemaking on that and I think that's
12 what we don't know as staff at this time is whether we
13 would be coming back to you recommending that you could
14 do it by simply a Board policy or by legal interpretation
15 that says that a compliance schedule does include
16 something that's set out or whether we'd be recommending
17 a rulemaking to clarify the definition of that.

18 CHAIR MOULTON-PATTERSON: Well, I'm just
19 speaking for myself. I certainly want to have the
20 discussion and at some point be able to if we saw a need
21 to change it. However the Board -- whatever the Board's
22 pleasure is on that.

23 MS. TOBIAS: So you could -- what the Board
24 could do in January is give direction once you've
25 received the information. The direction at that meeting

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 could be either to initiate a rulemaking to change that
2 definition or that the Board from here on out, if this
3 does not amount to the need for a regulation --

4 BOARD MEMBER ROBERTI: If we do that, we have to
5 notice it as a consideration item.

6 MS. TOBIAS: Yes.

7 CHAIR MOULTON-PATTERSON: So we'd notice it as
8 that but we don't -- we're not under any obligation.

9 MS. TOBIAS: Correct. So that certainly allows
10 the possibility for the Board to say come back next
11 month, we still want to discuss this further, whether you
12 would like to see it move into a rulemaking. The issue
13 of consideration only gives the Board the opportunity to
14 make a decision and let the stakeholders and regulated
15 entities know that the Board is considering taking an
16 action.

17 BOARD MEMBER PAPARIAN: You got cut off in the
18 middle of a thought, but I think I'm understanding you
19 that you will come back with options if options are
20 available for something short of rulemaking but
21 formalizes something.

22 MS. TOBIAS: Right. And if there are --
23 whatever opportunities there are, we'll give the Board
24 that full spectrum if they can basically say from here on
25 out this is how we read this, or whether it amounts to a

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 rulemaking and it is something, as you know, that the
2 Board cannot have what are called underground
3 regulations, which are essentially policies which look
4 like regulations and walk like regulations, talk like
5 regulations but are, in fact, not duly adopted by the
6 Board. That process gives the public the opportunity to
7 come and talk to the Board about the regulations that
8 it's going to do.

9 So what we would be basically doing in that item
10 is coming back to you and saying it looks to us that this
11 should be a regulation or it's not or here's how we
12 interpret it, there's the possibility of a legal
13 interpretation, there are gradations that we could come
14 back and give you.

15 BOARD MEMBER JONES: The question is how do we
16 consider long-term violators. I don't know what the
17 question is that's going to be considered, but I'm hoping
18 that that question is in the title, not some broad title
19 that covers the whole world, the whole universe of
20 statute, but a title that absolutely says what it is this
21 policy -- what part of this policy we're going to be
22 talking about.

23 MS. TOBIAS: Perhaps I could try to clarify with
24 Mr. DeBie as well. What I heard the Board focusing on
25 earlier was the issue of what a compliance schedule is,

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 the definition of that.

2 Now, if you're wanting to go broader, I think it
3 would help staff to hear a discussion on that, but I
4 heard that there was some question about how a compliance
5 schedule works, and I think Mr. DeBie explained it a lot
6 of times we would be looking at the whole record there if
7 we were either evaluating an LEA or if a citizen walked
8 in they would basically say can I see the file on this
9 and they would look through to see what the inspection
10 reports said, any written documentation in there that
11 shows what the LEA has asked that operator to do or you
12 know, is it something that we need to clarify that there
13 should be something in writing that wraps it up and ties
14 a bow on it.

15 CHAIR MOULTON-PATTERSON: I think I hear the
16 Board saying they'd like you to come back with the
17 definition of the compliance schedule with giving us as
18 broad of options that we can have; is that right? And a
19 precise title. Thank you.

20 MS. TOBIAS: Thank you.

21 BOARD MEMBER EATON: If you all use your
22 creative thinking cap and if it doesn't fit into the box
23 of compliance, there might be some other term where we
24 can get to the same point that minimizes (inaudible) but
25 it still promotes the policy of getting them off the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 list.

2 MS. TOBIAS: I think that as I mentioned there's
3 a possibility of legal interpretation. I'm just trying
4 to give you the tools that staff looks at. A legal
5 interpretation, we have LEA advisories.

6 BOARD MEMBER EATON: That was mentioned.

7 MS. TOBIAS: Those are the different options
8 that I think we could come back with, and I think we
9 would look at it from a legal interpretation first and
10 see if there's anything in the statute that backs up what
11 this should be. From there you move into the other
12 choices of what the Board would like to do and all of
13 them have kind of varying pros and cons to them.

14 CHAIR MOULTON-PATTERSON: Thank you. Thank you,
15 Mr. DeBie. Anything else before you move to Item 21?

16 MR. DE BIE: Sure. I wanted to add one thing, a
17 glimmer of hope in that just the fact that we were adding
18 more information to this agenda item did motivate several
19 of the LEAs to sort of get off the mark and move the
20 operators a little bit closer to compliance, including
21 issuing a Notice and Order that had been sort of
22 lingering around a while. So I think just little steps
23 to help reach the Board's goal in getting people off
24 this.

25 CHAIR MOULTON-PATTERSON: Thank you very much.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 We're going to take up Item 21 and then I
2 believe we'll take a lunch break. So if we can move to
3 21, Mr. DeBie.

4 MR. DE BIE: I'm giving 21 and then I'll be done
5 for the day. Thank you.

6 Last month the Board directed staff to notice
7 the enforcement regulations or regulations that are being
8 referred to as enforcement regs for 15-day comment period
9 to address changes that came out of the 45-day comment
10 period. So staff did notice the regulations as changed
11 and the 15-day comment period ended last Thursday.

12 Staff on Friday and Monday morning compiled the
13 results of the comments, and what was just handed out to
14 you and also is on the back table are the staff's -- is a
15 summary of the comments and staff's response to those
16 comments including suggested changes in response to those
17 comments. I want to draw your attention to the summary
18 page, which is the last page attached to the regulations.

19 I want to point out that the majority of the
20 comments during this 15-day comment period were basically
21 technical comments addressing typos and those sorts of
22 things that were inadvertently left in or did not change
23 after the 45-day comment period, but I did want to
24 highlight two comments that were received.

25 And the first one is under Comment Number L02-2,

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 which is a comment from the San Bernardino County LEA
2 which was in regards to inspection frequencies for
3 various types of facilities and various levels of
4 activity. Staff's response to that comment is to reject
5 the comment basically because we're not changing any part
6 of that regulation relative to that comment. It was
7 never an aspect of this regulation package, and the
8 couple examples that the commenters shared with the Board
9 staff in their comment are being adequately addressed
10 under the current regulatory structure and so we didn't
11 see a need to adjust or modify the language in the
12 proposed regulations.

13 To give you a little more detail, certain kinds
14 of facilities, active facilities require a monthly
15 inspection frequency and that's a requirement in statute
16 and these regulations reflect that. Other facilities
17 that are -- or other sites that are not facilities,
18 therefore meaning they're not actively receiving waste,
19 there's some flexibility in statute and existing reg to
20 allow a different inspection frequency. For example,
21 closed sites, closed landfills, are inspected on a
22 quarterly basis. Certainly there's flexibility for the
23 LEA to increase the level of inspection, but there's a
24 minimum requirement of quarterly for closed sites.
25 Again, the existing regs in this area are not being

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 changed by proposed regs and the situation addressed by
2 the commenter is adequately addressed with the current
3 regulations.

4 The other comment I wanted to call out is
5 Comment L03-01, which is a comment from a staff person
6 with the Sacramento County LEA which brings up that issue
7 that was discussed after the -- or during the 45-day
8 comment period relative to violation and its relationship
9 to an enforcement action and, therefore, the connection
10 to a hearing panel process. So staff would like to
11 reject that comment based on the same rationale that we
12 used after the 45-day comment period, that we would
13 address that in an ongoing manner and not in this
14 regulation package.

15 So if the Board has any questions, I can answer
16 those for you, but if not, Board staff are ready to
17 request the Board to first adopt the Negative Declaration
18 for these regs and then ultimately adopt the regulations
19 as changed after the 15-day comment period.

20 CHAIR MOULTON-PATTERSON: So we do the A and
21 then the B?

22 MR. DE BIE: I think you actually have to do B
23 and then A. For some reason it got concerted that way.
24 We'll need to comply with CEQA first and then the rest.

25 CHAIR MOULTON-PATTERSON: Mr. Jones, did you

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 have a question?

2 BOARD MEMBER JONES: I do. Your comments on
3 L-03-01 make me a little nervous.

4 MR. DE BIE: Uh-oh.

5 BOARD MEMBER JONES: It was my understanding in
6 the 45 days that you had come to a resolution of how
7 these appeals would be handled, that everybody signed off
8 on. Is that --

9 MR. DE BIE: The majority of the stakeholders
10 did sign off on that as witnessed by the testimony
11 presented to the Board.

12 BOARD MEMBER JONES: Right.

13 MR. DE BIE: This individual is a staff person
14 with Sacramento County. I don't think she represents
15 Sacramento County LEA. It may just be a comment from one
16 person.

17 BOARD MEMBER JONES: But my understanding was
18 that the -- it's not part of the reg package; right?

19 MR. DE BIE: Correct.

20 BOARD MEMBER JONES: It's just -- the
21 understanding is that when there is something that is
22 appealable, rather than appeal it you go through the
23 process, it gets resolved, then that's fine; if not, then
24 the operator still has the right to ask for the appeal.

25 MR. DE BIE: Right. The agreement was by having

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 the regs remain silent on the relationship of a violation
2 relative to an enforcement action, we're also remaining
3 silent in the regulations relative to the appealability
4 of a violation. The majority of the industry feels that
5 they can appeal a violation. The majority of the LEAs
6 feel they cannot. The regs are not going to change the
7 status.

8 BOARD MEMBER JONES: -- that whole issue.

9 MR. DE BIE: Right.

10 BOARD MEMBER JONES: But as I -- as you were
11 saying that, I saw Julie shaking her head no and somebody
12 else shaking their head yes. I just want to know because
13 that goes to the heart of what these -- why these things
14 took so long and it also goes to the heart of what we
15 just spent 20 minutes talking about on the chronic
16 violators, that in fact it's the inspection report that
17 is the trigger for a chronic violator, and if it's the
18 trigger for a chronic violator it should also be the
19 trigger for an appeal. If you guys have got it worked
20 and we're going to stay with that, then I'm okay, but
21 when I start seeing shaking heads, people not sure, then
22 I'm not sure that I don't want to see it in
23 regulations.

24 MS. NAUMAN: Mr. Jones --

25 BOARD MEMBER JONES: Just like Kathryn says, it

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 only works if it's in regulation.

2 MS. NAUMAN: I'm sorry you caught me shaking me
3 head at the inopportune time. I think we're all in
4 agreement. I want to reassure you that what we stated to
5 you last time was that there was an agreement among the
6 stakeholders that we will not address the issue and make
7 any change in regulation. I did hear Mark allude to the
8 fact that there was an acknowledgement that there could
9 be ongoing discussions about how to informally refine the
10 local processes so that operators would have some avenue
11 to engage in dialogue short of a formal appeal, but we
12 did not change the status quo with respect to the
13 regulatory language about violations or appealable
14 actions.

15 BOARD MEMBER JONES: All right. So the fact
16 that it's silent, if it goes through the process which
17 you guys have tried to work out with all the affected
18 parties and there is no resolution, then the operator can
19 make a request of this Board or of a local hearing
20 panel -- if they say no, then they could bring it to this
21 Board and we make a decision, whether or not we're going
22 to hear the appeal.

23 MS. TOBIAS: That's correct.

24 BOARD MEMBER JONES: Okay.

25 CHAIR MOULTON-PATTERSON: Mr. Eaton.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER EATON: On page 21 which is the
2 assumption of duties of an LEA, we cannot go in and take
3 over unless we have an agreement with us and the local
4 governing board? Should that "and" have been an "or"?
5 Section 18351.

6 MS. TOBIAS: Do you have a subsection?

7 BOARD MEMBER EATON: A, subpart 1. It says the
8 Board shall assume the duties upon the occurrence of any
9 of the following (inaudible). So if we have a
10 disagreement, we need the local governing board to be in
11 agreement as well; correct? That's the easy one.

12 MR. DE BIE: That's my reading of that
13 requirement.

14 BOARD MEMBER EATON: Is that a wise policy?

15 MR. DE BIE: The only change that these regs are
16 promoting is to define authorities to governing bodies.
17 So that's existing reg. It says local authorities and
18 we're defining that as governing body. That's the only
19 change in the proposed regs. So existing regulations
20 reads upon agreement of the Board and local authorities,
21 the designation of the Board in the manner provided by
22 law or.

23 BOARD MEMBER EATON: Let me sneak one in the
24 back door on you then. We just had an item on chronic
25 violations; correct? How does this document relate to

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 chronic violations, and let me take you through it real
2 quick. We had a violation on the first page here that
3 says means lack of compliance with a particular standard,
4 permit, term or condition. And I'm trying to get at
5 Mr. Jones to protect the LEA here as well we may be
6 caught between their local governing body and the fact
7 that they don't do the budget.

8 But then on the next page you have all
9 facilities and proposals within the LEA's jurisdiction
10 shall be in compliance with state minimum standards, and
11 we have that. Now there's obviously 15 or 16 that are
12 not. And then dropping down in D, subpart one, all
13 operations within the LEA's jurisdictions shall be in
14 compliance with state minimum standards as applicable,
15 and yet we have nothing in here for what takes place if
16 the LEA doesn't. Wouldn't this have been a proper place
17 to put some LEA teeth in there that Senator Roberti or
18 others were talking about in terms of that?

19 In this document here -- are we missing an
20 opportunity with this document that we're now putting off
21 to January which we could have before us right now?

22 MR. DE BIE: Just to clarify a couple --

23 BOARD MEMBER EATON: Is this document different
24 from what that would be?

25 MR. DE BIE: In those citations that you

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 mentioned, Mr. Eaton or Board Member Eaton, reading
2 further on it does indicate that there's -- it does
3 indicate that the facility should be in compliance but it
4 also indicates that the LEA -- facility be under
5 appropriate enforcement action. And again, appropriate
6 enforcement action is being defined as something that
7 starts off with -- as described in their enforcement
8 program plan and may eventually escalate into a Notice
9 and Order. So you could have a facility that is out of
10 compliance but is an appropriate enforcement action.

11 BOARD MEMBER EATON: Which subsection are you
12 in?

13 MR. DE BIE: It would be C3 under appropriate
14 enforcement actions pursuant to 18084, to remedy any
15 violations.

16 BOARD MEMBER JONES: Mark, could you repeat
17 that? I'm sorry. I was asking a question.

18 MR. DE BIE: Board Member Eaton called out --

19 BOARD MEMBER JONES: Just the section.

20 MR. DE BIE: -- C1 and then I was just reading
21 down further to C3 that's on page 2 of the regs where it
22 indicates that it is the option of the LEA to have the
23 facility under an appropriate enforcement action as
24 described in 18084 to remedy any violation.

25 BOARD MEMBER EATON: I'm trying to figure out if

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 this document can help us get us to where we want to go.

2 MR. DE BIE: It gets us a big chunk of the way
3 in two ways. One, it lays out the -- prescribes in much
4 more detail what the obligations of the LEA are relative
5 to enforcement, and it also lays out this criteria that
6 the Board can use to identify what -- when the LEA trips
7 and falls on their way towards enforcement and when we
8 can pick up the ball and move forward with it.

9 We didn't have that tool before in terms of
10 defining what is meant by appropriate enforcement action.
11 It was undefined, so an argument kept coming back from
12 LEAs saying I am taking enforcement action, it is
13 appropriate. But it wasn't defined before so there was a
14 constant argument about whether that was appropriate or
15 not.

16 We're defining appropriate enforcement action in
17 these regs, setting out the criteria so that the Board
18 can look at that and say no, you're not taking an
19 appropriate enforcement action and begin the process
20 towards taking direct enforcement action and maybe
21 de-designating the LEA.

22 There's two things that the Board can do. They
23 can take direct enforcement action on that facility and
24 would still have the LEA intact, not de-designate them,
25 or they can move towards de-designating the LEA or both.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER EATON: But we can't do that
2 without the local governing board.

3 MR. DE BIE: De-designating the LEA I believe
4 requires the governing board approval.

5 I think I'm going to speculate a little bit
6 here, but based on discussions with the LEAs, the
7 certification process that I'm recalling, I think what
8 we're looking at is giving the option of the local
9 agency, governing body, an ability to find another LEA
10 before we de-designate that.

11 So it's always been the emphasis in the past of
12 the Board to try to keep it local. So if an LEA is
13 failing, let's give the local governing authority ability
14 to find another LEA, maybe an adjacent County or
15 contracting with the State to do it before we
16 de-designate the LEA.

17 BOARD MEMBER EATON: If in January or some
18 future date this Board would have taken action along the
19 lines that have been mentioned in the previous item,
20 i.e., compliance schedules or LEA advisories, would this
21 be in the set of regulations that would be revised? Or
22 are you trying to create a whole new set?

23 MR. DE BIE: If we defined compliance schedule
24 through regulation, if that's the option that the Board
25 chooses, it would be within the scope of these regs, yes.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MR. WALKER: Another thing I'd like to point out
2 is in Section 18350, the Board may take enforcement
3 action on their own and they do not need the local
4 governing body to allow them to do that. That applies to
5 an enforcement action the Board may decide to take on a
6 specific facility.

7 BOARD MEMBER EATON: So we're caught sort of
8 holding the bag on these chronic violators?

9 MR. DE BIE: Only if you choose.

10 BOARD MEMBER EATON: Do we have something
11 available to us that we're not exercising?

12 MS. NAUMAN: Mr. Eaton, if I might weigh in on
13 this one.

14 BOARD MEMBER EATON: Absolutely. Please.

15 MS. NAUMAN: On the bottom of page 20, the
16 language that Scott Walker was just referring you to,
17 beginning on line 43 is where the Board has the option in
18 the case of eminent threat to public health or safety the
19 Board could take the enforcement action. Just for
20 clarification, the section that you cited to us earlier,
21 18351, which involves the concurrence of the local
22 governing board, that's a mandate to the Board,
23 subsection A, talking about the Board shall assume the
24 duties.

25 So it's two different situations here. One

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 where the Board shall assume and then I think what you're
2 exploring with us more is under what circumstances may we
3 go in and assume responsibility for a particular facility
4 or particular violation.

5 BOARD MEMBER EATON: Here's my fear, simply a
6 fear. It may be unfounded. This chronic violator list
7 has been around for a long time, but we have a situation
8 where we have a list of chronic violators, for whatever
9 reason, and let's just take Perkins Road. Let's say they
10 were on this chronic violator's list and that fire that's
11 out there caught on fire to explode that gas.

12 Now, what would this Board look like? That's
13 what I'm trying to hedge against is those
14 once-in-a-lifetime situations and minimize through
15 whatever means we have to bring it to a head. That's
16 what I'm looking at. What is it that we do, that we as a
17 Board do so that we don't sort of just rubber stamp
18 chronic violators and it comes back and it's an
19 embarrassment through some catastrophic event?

20 That goes to your necessary -- it's after the
21 fact that we would be acting in eminent harm because the
22 fire would already be started and the gas is already
23 migrating. I know it's a delicate balance because
24 Mr. Jones raises a valid point, but sometimes the LEA
25 doesn't know the recourse because the local governing

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 body has their hand. So that's the one instance I'm
2 trying to protect. If I was an insurance person, I
3 probably wouldn't insure the risk.

4 MS. TOBIAS: Can I --

5 BOARD MEMBER EATON: That's what I think I'm
6 trying to get at. I can't speak for everyone else.

7 MS. TOBIAS: Could I suggest that we look at
8 this over lunch time and take this up right after lunch?
9 I'm looking at this --

10 BOARD MEMBER EATON: I knew I would get
11 Mr. DeBie on his challenge that he thought he was
12 through.

13 CHAIR MOULTON-PATTERSON: Right. I think that
14 would be a good idea so the Members will all have a
15 chance to read and review it a little more under this
16 light. Thank you, Mr. Eaton, for bringing that up. Is
17 that okay with you, Mr. Eaton?

18 BOARD MEMBER EATON: Absolutely.

19 BOARD MEMBER JONES: Works for me, too.

20 CHAIR MOULTON-PATTERSON: Is that okay,
21 Mr. DeBie?

22 MR. DE BIE: That's fine. I'll be here.

23 CHAIR MOULTON-PATTERSON: How long do we need?
24 An hour and a half? We have to be out by 4:00. We
25 should be back no later than 1:45.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 (Lunch recess taken.)

2 CHAIR MOULTON-PATTERSON: Good afternoon.

3 Mr. Leary, I apologize.

4 MR. LEARY: No problem.

5 CHAIR MOULTON-PATTERSON: We're still on 21.

6 Mr. DeBie.

7 MS. TOBIAS: Madam Chair, do you want to do ex
8 partes?

9 CHAIR MOULTON-PATTERSON: Yes. Ex partes.

10 Mr. Eaton. Thank you.

11 BOARD MEMBER EATON: Nothing to report.

12 CHAIR MOULTON-PATTERSON: Mr. Jones, any ex
13 partes?

14 BOARD MEMBER JONES: No.

15 CHAIR MOULTON-PATTERSON: Mr. Paparian.

16 BOARD MEMBER PAPARIAN: No.

17 CHAIR MOULTON-PATTERSON: Mr. Medina.

18 BOARD MEMBER MEDINA: None to report.

19 CHAIR MOULTON-PATTERSON: And I have none.

20 Okay. We'll get started then.

21 MR. DE BIE: Staff considered the discussion
22 prior to lunch and want to bring a little more clarity to
23 the issue to the Board, and I think we're there in terms
24 of where the regulations are relative to statute. So if
25 you bear with me, I'll walk you through a couple sections

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 in the regulations and then refer to a statute relative
2 to the Board's ability to remove designation approval to
3 the LEA.

4 As brought out prior to breaking for lunch,
5 there was some questions about the Board's ability to
6 take direct enforcement action if the LEA is failing to
7 do so or if there's other issues associated with the
8 site, as well as the Board's ability to remove the
9 designation or de-designate an LEA.

10 I'll call your attention to page 20 of the
11 regulations and Section 18350, enforcement actions by the
12 Board, which basically outlines a process for the Board
13 to take direct enforcement action where the LEA fails to
14 implement their enforcement program plan. So one of the
15 criteria in this is eminent threat, but it's not the only
16 one. So there can be a situation where the LEA has
17 failed to implement their enforcement program plan, to
18 take appropriate enforcement action, and the Board can
19 follow this process outlined in A1, 2 and 3 in taking
20 direct enforcement action.

21 The criteria that the Board would use to
22 evaluate whether the LEA is carrying out the proper
23 enforcement action is outlined in 18084, which is on page
24 5. It starts on page 5 and continues to page 6 which is
25 LEA duties, responsibilities for enforcement, and on D,

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Section D, it says if the LEA fails to take appropriate
2 enforcement action to cause the operator to correct
3 violations or abate eminent threat to public health and
4 safety, the Board may take appropriate enforcement action
5 pursuant to the PRC Codes which talk about enforcement
6 actions, and we are to use criteria one and if necessary
7 criteria two in evaluating whether or not the LEA has
8 taken out appropriate enforcement actions.

9 So this is where we're defining what appropriate
10 enforcement actions are, which was missing prior to these
11 regulations. There wasn't the yardstick defined on how
12 to evaluate the LEAs. So through those two regulatory
13 sections, it's clear I think that the Board has the
14 authority to step in and take enforcement action
15 directly.

16 Relative to the Board's ability to address the
17 LEA through a designation process, statute in 43215 --
18 this is the PRC Code -- speaks to the Board's ability to
19 take -- to withdraw its designation of the LEA. So if
20 you bear with me, I'll read quickly through Section A.

21 If the Board in conducting inspection and
22 performance reviews required pursuant to 43214 of this
23 section finds that the enforcement agency is not
24 fulfilling one or more of its responsibilities, the Board
25 shall notify the enforcement agency of the particular

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 reasons for finding that the enforcement agency is not
2 fulfilling its responsibilities and of the Board's
3 intention to withdraw its approval of the designation if
4 within a time to be specified in the notification, but in
5 no event less than 30 days, the enforcement agency does
6 not take the corrective action specified by the Board.

7 So the Board, after noticing the LEA of its
8 intent, can begin the process to remove the designation
9 of the LEA and that process is being better defined in a
10 reg package that's in development and will be coming to
11 the Board early next year.

12 Relative to the section that Board Member Eaton
13 brought out, which was 18305 -- I'm sorry. I was doing
14 so well too. 18350, I believe. Enforcement action by
15 the Board -- no, that was it. Assumption of duties.
16 18351, assumption of duties.

17 Upon lunch time reflection on this regulation,
18 what it's indicating is there are some situations where
19 the Board is obligated to take on the LEA enforcement
20 activities, and that's if a local governing body has an
21 agreement with the Board then the Board shall take over
22 as the LEA or if there's a withdrawal of the designation
23 and there's no new LEA designated. So in some
24 circumstances the Board by this requirement shall be
25 obligated to take over as LEA when there is no LEA, but

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 again I refer back to the statute that says that the
2 Board can in any situation after noticing find that if
3 the LEA is not fulfilling its responsibilities, can step
4 in and start the process to de-designate. I think that
5 addresses the issues relative to enforcement action and
6 de-designation.

7 The issue of defining compliance schedule, I
8 think we need to talk with stakeholders about that and
9 define that and hopefully we can bring something in
10 January. I'm confident we can bring something in January
11 that talks about how best to address that particular
12 situation, and we did discuss this at lunch with legal
13 staff and there are several options including regulation
14 but not necessarily regulations as the only method that
15 we could use.

16 CHAIR MOULTON-PATTERSON: Mr. Eaton, did you
17 have any further comments or questions?

18 BOARD MEMBER EATON: It clarifies for the record
19 in case there's any kind of discrepancy on how the
20 sections of the regulations interplay in that one does
21 not prevail over the other in the sense of assumption of
22 duties or responsibilities and/or being able to take
23 actions independent of any other local governing body.
24 It's nice to read them.

25 CHAIR MOULTON-PATTERSON: Thank you for bringing

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 that up.

2 MR. DE BIE: That helps to read them once in a
3 while.

4 CHAIR MOULTON-PATTERSON: Thank you, Mr. DeBie.

5 MR. DE BIE: So the Board would like to
6 recommend adoption of the two resolutions -- I'm sorry.
7 Staff would like to recommend. I'm a bit flustered. B
8 first and then A.

9 CHAIR MOULTON-PATTERSON: Okay. We need a
10 motion Resolution 2000-445B, adoption of a Negative Dec.
11 Moved by Mr. Jones. I'll second it.

12 We have a motion by Mr. Jones, seconded by
13 Moulton-Patterson, to approve Resolution 2000-445B.

14 Please call the roll.

15 BOARD SECRETARY: Eaton.

16 BOARD MEMBER EATON: Aye.

17 BOARD SECRETARY: Jones.

18 BOARD MEMBER JONES: Aye.

19 BOARD SECRETARY: Medina.

20 BOARD MEMBER MEDINA: Aye.

21 BOARD SECRETARY: Paparian.

22 BOARD MEMBER PAPARIAN: Aye.

23 BOARD SECRETARY: Roberti.

24 Moulton-Patterson.

25 CHAIR MOULTON-PATTERSON: Aye.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER JONES: Madam Chair.

2 CHAIR MOULTON-PATTERSON: Mr. Jones.

3 BOARD MEMBER JONES: I'll move adoption of
4 Resolution 2000-445A, consideration of adoption -- is
5 that right? For a Neg Dec for this packet.

6 MR. DE BIE: The regs. The title of the
7 resolutions are very similar but the action is actually
8 on A is to -- or B is to -- on A is to adopt the
9 regulations.

10 CHAIR MOULTON-PATTERSON: Thank you, Mr. Jones.
11 I'll second to approve Resolution -- moved by Mr. Jones,
12 seconded by Moulton-Patterson, to approve Resolution
13 2000-445A.

14 Can we substitute the previous roll? Okay.

15 Now you're finished for sure.

16 MR. DE BIE: Thank you.

17 CHAIR MOULTON-PATTERSON: Okay.

18 Mr. Leary.

19 MR. LEARY: Good afternoon, Madam Chair, Members
20 of the Board. My name is Mark Leary representing the
21 Special Waste Division.

22 Before I begin, let me first express my
23 appreciation for your very kind comments earlier today in
24 regards to Senate Bill 876.

25 CHAIR MOULTON-PATTERSON: Thank you.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MR. LEARY: I think you and the rest of the
2 Board appropriately recognized it was a team effort. It
3 was recognized in the all-staff meeting and it was a
4 pleasure to be a part of that team. I think Terry
5 Jordan's staff is still back at the office preparing
6 spreadsheets because no one told them it wasn't part of
7 their regular work, that they had to do it every day. It
8 seems like they crank those things out every day.

9 CHAIR MOULTON-PATTERSON: Very good job. Thank
10 you.

11 MR. LEARY: Anyway, Agenda Item 22 is
12 consideration of approval of the proposed evaluation
13 process for the fiscal year 2000-2001 park playground
14 accessibility and recycling grant program.

15 As the Board I'm sure will recall, in March of
16 this year the voters of the state of California
17 authorized the Board to administer a grant program
18 through the Park Bond Act that grants to local agencies
19 to assist them in meeting state and federal accessibility
20 standards and provided us \$7 million to do that.

21 In this year's Budget Act, the Legislature
22 appropriated \$2.5 million for this grant cycle and it's
23 contingent upon the local agencies' guarantee that
24 they'll provide 50 percent and that \$50,000 -- the grants
25 shall not exceed \$50,000.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 In August of this year you approved the
2 distribution of funds, the applicant and project
3 eligibility, and the scoring criteria for this grant
4 program. We are here today to ask for your indulgence in
5 another consideration in regards to reviewing these grant
6 applications and that's the blind review process.

7 As the Board will recall, in December of '98
8 they approved a basic blind review process that provides
9 that 10 percent of all grant applications are reviewed in
10 a grant cycle and that the group scores of those 10
11 percent should be within five points of each other, but
12 the Board has also recognized under subsequent grant
13 considerations for the Playground Act that when you have
14 a large pool of applicants like we've had in the
15 Playground Act and we will expect again with the Park
16 Bond Act, that 10 percent is an enormous number when you
17 have 400 applications.

18 So what we're asking in this item is for the
19 Board to consider streamlining the evaluation process
20 much like you did in the Playground Safety and Recycling
21 Act grant program and allow us to -- we proposed actually
22 two different options.

23 The first option is to create a post-scoring
24 review team that will review the score sheets and
25 applications for all applications with scores of three

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 points or less within the 70 percent passing score, the
2 70-point passing score. That is, any application that
3 scores between 67 and 73 this post-scoring review team
4 will review carefully to make sure there are no
5 discrepancies, and if there are, to rescore those
6 applications to make sure we have the boundary line of
7 what's passing and what fails very well defined and sound
8 in our evaluation.

9 The second option is kind of a mini blind review
10 in that we will take five applications and -- or 10
11 percent, whichever is less, for the blind review and
12 conduct the blind review much like we normally would
13 otherwise.

14 We are recommending option number one because we
15 think it concentrates on what we think is the important
16 matter, that is which is those that will score within
17 three points of the passing score and will allow staff
18 flexibility while not sacrificing comprehensiveness in
19 our evaluation.

20 So we are recommending approval of option one
21 and seek your support to adopt Resolution 2000-447.

22 That concludes my presentation. Any questions?

23 CHAIR MOULTON-PATTERSON: Any questions for
24 Mr. Leary? Hearing none.

25 BOARD MEMBER JONES: Madam Chair. Never mind.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 CHAIR MOULTON-PATTERSON: Mr. Paparian.

2 BOARD MEMBER PAPARIAN: I'd like to move
3 Resolution 2000-447, approval of the proposed evaluation
4 process for fiscal year 2000-2001 park playground
5 accessibility and recycling grant program.

6 BOARD MEMBER MEDINA: Second.

7 CHAIR MOULTON-PATTERSON: We have a motion by
8 Mr. Paparian, seconded by Mr. Medina, to approve
9 Resolution 2000-447, option one.

10 BOARD MEMBER JONES: That's with option one.

11 CHAIR MOULTON-PATTERSON: Would you please call
12 the roll.

13 BOARD SECRETARY: Eaton.

14 BOARD MEMBER EATON: Aye.

15 BOARD SECRETARY: Jones.

16 BOARD MEMBER JONES: Aye.

17 BOARD SECRETARY: Medina.

18 BOARD MEMBER MEDINA: Aye.

19 BOARD SECRETARY: Paparian.

20 BOARD MEMBER PAPARIAN: Aye.

21 BOARD SECRETARY: Roberti.

22 Moulton-Patterson.

23 CHAIR MOULTON-PATTERSON: Mr. Leary, Item Number
24 23.

25 MR. LEARY: Agenda Item 23 will be presented by

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Shirley Willd-Wagoner.

2 MS. WILLD-WAGONER: Good afternoon, Chair
3 Moulton-Patterson and Board Members. I'm Shirley
4 Willd-Wagoner of the Used Oil and Household Hazardous
5 Waste Branch, and Item Number 23 is staff recommendations
6 for the award of the fourth cycle used oil non-profit
7 grants.

8 As you're aware, the California Oil Recycling
9 Enhancement Act authorizes the Board to collect a fee
10 from oil manufacturers on the sales of new lubricating
11 oil to fund certain activities discouraging the illegal
12 disposal of used oil. The non-profit grants are one of
13 the activities specified in the Act.

14 In April, the Board approved the scoring
15 criteria and evaluation process for scoring of these
16 grants as attachment one in your item. Subsequently, the
17 Notice of Funding Availability was circulated to over 800
18 parties and noticed on the Board's web site, and 30 grant
19 applications were received for a total of \$5.7 million.

20 Three review panels were formed and we followed
21 the blind review process as has been done in the past
22 that was passed in December of '98. 10 percent of the
23 grants, which is three applications, were blind reviewed.
24 The Grants Administration Unit reviewed the outcome of
25 those blind reviewed applications and determined that

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 they were all within the five-point limit and the
2 recommendation to fund or not fund was the same in all
3 cases.

4 Attachment 2 is listing in rank order for your
5 consideration all of the merged scores and applications
6 and present staff funding recommendations. At the moment
7 or at the current picture of the used oil fund, a little
8 over \$2 million is available, so we're recommending that
9 the first 10 applications be funded for \$2,020,782. And
10 then the next 10 have also received passing scores and
11 the resolution is worded so that staff is requesting that
12 the Board authorize staff to enter into grant agreements
13 if additional funds become available in the order listed
14 in your resolution.

15 So staff recommends adoption of Resolution
16 2000-448. If you have any other questions, I can review
17 any of the specific applications if you would like.

18 CHAIR MOULTON-PATTERSON: Mr. Paparian.

19 BOARD MEMBER PAPARIAN: In terms of the second
20 10, the ones that there's not enough funding for yet, is
21 there any discretion as to which ones of those will get
22 funding? Is it strictly in the order on the list?

23 MS. WILLD-WAGONER: The order on the list is the
24 way they were scored, yes. Actually next month staff
25 will come to the Board with a full picture of the whole

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 used oil condition and we might be able to see how many
2 of those we would fund.

3 BOARD MEMBER PAPARIAN: So none of them were
4 actually equal so you would have to make a choice between
5 one and another?

6 MS. WILLD-WAGONER: I don't believe any of them
7 were equal. I Love A Clean San Diego, there was a --
8 there is -- yes, there are a couple that are actually
9 within the same point total. American Truck Historical
10 Society and Heal The Bay are the same, and I Love A Clean
11 San Diego and Santa Monica Bay Restoration are the same
12 also.

13 BOARD MEMBER PAPARIAN: I think I would feel
14 more comfortable going with the first ten we have the
15 funding for and coming back on the second ten when we
16 know how much money is going to be available.

17 MS. WILLD-WAGONER: We could also do that.

18 BOARD MEMBER PAPARIAN: Because there may be a
19 situation if you get down to the bottom four there of
20 having to make a hard choice between a couple that are
21 equally scored. Does the Board have an opportunity,
22 Counsel, if two of them are scored equally? Does the
23 Board have that opportunity to make that decision or no?

24 MS. TOBIAS: Let me answer that a different way
25 and see if this answers your question. Basically I don't

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 think the Board can delegate the discretion to staff to
2 pick one over the other if only one could be chosen in a
3 tie. You could either have them bring the whole list
4 back or you could have them bring the list back when it
5 gets down to that point. That would be the Board's
6 decision as to how to decide what to do in the case of a
7 tie.

8 BOARD MEMBER PAPARIAN: So the Board can make
9 that choice if there's a tie. I think going with the
10 first 10 that we have the funding for I'm comfortable
11 with. I would like to hold back on the second 10 until
12 we know how much money there is and what we're going to
13 be able to fund.

14 BOARD MEMBER EATON: What are the grant
15 requirements under the scoring so if there's a challenge
16 if you did that on the second 10?

17 MS. TOBIAS: In the grant --

18 BOARD MEMBER EATON: It's been established that
19 that's the priority order.

20 MS. TOBIAS: I think what the Board would have
21 to decide to do at that time is decide how to handle a
22 tie in that situation. If you have enough money to fund
23 all of them, of course, that makes it pretty easy. If
24 you don't, then I think the staff will have to come back
25 with a proposal to the Board on how to handle a tie if

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 they have exactly the same points and there's not enough
2 money to fund them all.

3 CHAIR MOULTON-PATTERSON: Did you wish to
4 make -- were there any other questions? Did you wish to
5 make a motion, Mr. Paparian, to see if there's agreement?

6 BOARD MEMBER PAPARIAN: I'd like to move with
7 modification Resolution 2000-448, approval of fiscal year
8 2000-2001 fourth cycle used oil non-profit grant awards
9 with the modification being on the second page of the
10 resolution, the second batch of 10, and the descriptive
11 sentence above that being X'd out of the resolution so
12 that the resolution would then be to fund the 10 projects
13 for which we have the funding for right now.

14 BOARD MEMBER EATON: Are you saying that you
15 will bring all 10 back in the second even though the one,
16 Save Our Shores for 69, Sports Cars of America scored 65,
17 you would say you wanted to bring them back and decide
18 between the two of them or only if there's a tie?

19 BOARD MEMBER PAPARIAN: Because of the situation
20 where we don't know how much more funding we're going to
21 have, I think the easiest way of handling this rather
22 than arbitrarily cutting off somewhere down this list,
23 come back and see how much money is available.

24 BOARD MEMBER EATON: You have a legal
25 obligation. If someone scores 69 and someone scores 65,

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 you can't move the 65 up over the 69 if the funding
2 becomes available.

3 BOARD MEMBER PAPARIAN: I understand that.

4 BOARD MEMBER EATON: So is that what you're
5 saying? That's what I need to know.

6 BOARD MEMBER PAPARIAN: No, I'm not saying that.

7 BOARD MEMBER EATON: You're saying you want them
8 all put into the pool no matter what they scored?

9 BOARD MEMBER PAPARIAN: I'm saying I would like
10 the staff to come back when we know how much money we
11 have and how far down the list we're going to be able to
12 go before we reach that point, have the staff come back
13 with a resolution on funding those proposals. If we
14 reach a situation where we have to make a choice between
15 two proposals that received equal scoring, then I think
16 we're going to have to address at that point how we're
17 going to choose between those that got equal scoring.

18 BOARD MEMBER EATON: Then the motion should be
19 bring back only those in the case of a tie because that
20 would be one reason to bring those back.

21 MS. TOBIAS: I hear --

22 BOARD MEMBER EATON: If all the others have
23 scored higher, you can't move anyone up on the list that
24 was lower over another one.

25 MS. TOBIAS: I hear --

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER EATON: Because this was -- wasn't
2 this one that went out and was graded and so on and so
3 forth. It's not like a discretionary project to fund.
4 We've been challenged on this before I think.

5 MS. TOBIAS: And what I hear the motion as is
6 that for two reasons Board Member Paparian is bringing
7 these back. One is to see how far down we might be able
8 to get, and secondarily, if we get all the way to the
9 bottom how to choose between those ties; is that correct?

10 BOARD MEMBER PAPARIAN: Correct.

11 BOARD MEMBER EATON: And I'm just saying that
12 what's the reason for the first part of how far you're
13 going to go down? It doesn't make a difference. If you
14 have extra money available, you just go down the list.
15 That's what proper, fair and equitable under the process
16 of establishing the California grant process.

17 MS. FISH: Unless the Board just wanted to see
18 how far we could go, to know which projects are approved.
19 And that could be done in a report unless the Board want
20 to know actually which projects are being funded or not.

21 BOARD MEMBER EATON: I don't think you want to
22 go down that road of playing with grants and the process
23 of scoring.

24 CHAIR MOULTON-PATTERSON: Well --

25 BOARD MEMBER PAPARIAN: I'm not suggesting that

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 at all. I would just like to know what we're -- I'd like
2 to have it clear that the Board is going to know what
3 we're going to be able to fund and that if we get to the
4 point where there are equally scored items how we make
5 the decision between those equally scored items.

6 BOARD MEMBER EATON: And that would be -- and
7 those are the last four.

8 BOARD MEMBER PAPARIAN: Right.

9 BOARD MEMBER EATON: So go all the way down to
10 the Sports Cars of America because you can't touch the
11 ones above it under the grant process. So I mean if you
12 want to just put off the inevitable, that's fine too.
13 That's what you're doing. But there's no way you can go
14 above those four. If the motion is just to put off the
15 inevitable --

16 MS. WILLD-WAGONER: I have one more piece --

17 BOARD MEMBER EATON: I want to be sure the
18 motion is clear that we're not moving people up or going
19 to come up at another time because they were scored in a
20 fair and equitable manner.

21 MS. FISH: But there's also no guarantee there's
22 going to be additional money. That's the other thing.

23 BOARD MEMBER EATON: That's not an issue.
24 That's not the issue.

25 MS. WILLD-WAGONER: Just one more piece of

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 information. In reviewing my list it looks like two of
2 the top people on the list, Save Our Shores and Water
3 Education Foundation, also received a tied score, but
4 what Mr. Paparian is asking is that we would come back
5 with the entire list of 10 and then we would be able to
6 know whether there's going to be enough money to fund how
7 far down to any -- covering any ties or not.

8 BOARD MEMBER PAPARIAN: That actually changes it
9 substantially. Two out of three on the top of the
10 list --

11 BOARD MEMBER EATON: Right. You can't choose
12 between those two and fund anything below that. That's
13 what the grant process is saying. I'm just trying to
14 ensure that those who scored higher, that's to maintain
15 the integrity of the grant process.

16 BOARD MEMBER PAPARIAN: We're in full agreement
17 on that. I don't think there's any disagreement there.
18 For the items that have equal scoring and we have a
19 limited pot of money, I think we should have a role in
20 determining the process --

21 BOARD MEMBER EATON: And that was what my motion
22 was for clarification, that the list could be approved
23 absent those that have ties, but you make the motion.

24 BOARD MEMBER PAPARIAN: We could modify it that
25 way, but then you would need some further clarification

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 on language I think from what you just said. But items 2
2 and 3 on the agenda that are on that list are among the
3 ones that are tied. So we could -- it's possible we
4 could reach this issue very quickly.

5 I think a simpler, cleaner way would be to drop
6 the second list for now and come back when we know how
7 much money there is. And again, it's in the record
8 several times. We're in agreement that you fund them in
9 the order based on the scoring. The intention here is
10 for the ones that are equal scoring how you determine
11 which ones to fund if you have to make that decision.

12 CHAIR MOULTON-PATTERSON: I don't hear a second.
13 Do you want to modify it or does somebody else have a
14 motion?

15 BOARD MEMBER EATON: I don't have a motion.

16 CHAIR MOULTON-PATTERSON: I'm talking about
17 Mr. Paparian's motion.

18 BOARD MEMBER ROBERTI: Read the motion again.

19 BOARD MEMBER PAPARIAN: The motion is fairly
20 simple. To fund the first 10 items that we have the
21 funding for, Resolution 2000-448, and then to remove
22 those second 10 items with the understanding that those
23 will come back when we know how much money is available
24 and how far down that list we might be able to go.

25 BOARD MEMBER ROBERTI: I'll second it.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 CHAIR MOULTON-PATTERSON: I have a question
2 before we vote.

3 We have a motion by Mr. Paparian, seconded by
4 Senator Roberti.

5 Say we had gone with the recommendation and
6 we -- how would you -- how would staff have decided a
7 tie?

8 MS. WILLD-WAGONER: I believe that we would have
9 either funded all or none of the ties. So if the money
10 ran out part way through the tie, it would have been
11 either all of the grants at that score or none of the
12 grants at that score would have received the recommended
13 amount.

14 CHAIR MOULTON-PATTERSON: In order.

15 MS. WILLD-WAGONER: Absolutely in order.

16 BOARD MEMBER EATON: We have always in the past
17 robbed from Peter in those cases where there was a tie,
18 and rather than trying to choose one or the other, fund
19 money to fund all of them which protected the integrity
20 of the process against challenge.

21 CHAIR MOULTON-PATTERSON: We have a motion by
22 Mr. Paparian, seconded by Senator Roberti, to approve
23 Resolution 2000-448.

24 Secretary, please call the roll.

25 BOARD SECRETARY: Eaton.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Jones.

2 BOARD MEMBER JONES: Aye.

3 BOARD SECRETARY: Medina.

4 BOARD MEMBER MEDINA: Aye.

5 BOARD SECRETARY: Paparian.

6 BOARD MEMBER PAPARIAN: Aye.

7 BOARD SECRETARY: Roberti.

8 BOARD MEMBER ROBERTI: Aye.

9 BOARD SECRETARY: Moulton-Patterson.

10 CHAIR MOULTON-PATTERSON: Aye.

11 BOARD MEMBER JONES: Madam Chair.

12 CHAIR MOULTON-PATTERSON: Mr. Jones.

13 BOARD MEMBER JONES: It was a good debate

14 because I know what Mr. Eaton is trying to protect. I

15 have one question that doesn't have to be dealt with now

16 but maybe we could get a copy of the point totals for

17 each of these ones that are on the list at some point

18 just so that we know the points that they scored.

19 Actually I wouldn't mind seeing it for the whole page,

20 just get an idea of who got an 80 and who got a 70.

21 MS. WILLD-WAGONER: We provided you a summary of

22 each of the jurisdictions that are being served, the

23 calculations. So we'll just add the points to that

24 chart. How about that?

25 Thank you.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 CHAIR MOULTON-PATTERSON: Before we go forward,
2 I held the roll open for Senator Roberti on Item 21 on
3 Resolution 2000-445B and Resolution 200-445A and Item 22.
4 Did you wish to vote on those?

5 BOARD MEMBER ROBERTI: Yes.

6 CHAIR MOULTON-PATTERSON: Secretary, please call
7 the roll.

8 BOARD SECRETARY: Roberti.

9 BOARD MEMBER ROBERTI: Aye.

10 BOARD SECRETARY: On 22, Roberti.

11 BOARD MEMBER ROBERTI: Aye.

12 BOARD SECRETARY: Aye for both A and B on 21?

13 BOARD MEMBER ROBERTI: Right. Aye.

14 CHAIR MOULTON-PATTERSON: Thank you.
15 Item 24.

16 MR. LEARY: Agenda Item 24 is consideration of
17 approval of sites under the waste tire stabilization and
18 abatement program. Board staff is requesting approval of
19 the Royster waste tire site for remediation under the
20 waste tire stabilization and abatement program.

21 As the Board will recall, on August 7th, 1998,
22 nearly 7 million tires were ignited and burned at the
23 Royster waste tire site. There was limited success in
24 the fire suppression efforts in the past and as a result
25 the fire continues to burn.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Board staff is requesting authorization to use
2 the waste tire stabilization and abatement program funds
3 to complete the fire suppression efforts at the Royster
4 waste tire site and ultimately set the stage for further
5 cleanup actions in the future.

6 With that, Board staff recommends adoption of
7 Resolution 2000-452 which creates approximately \$364,925
8 for fire suppression efforts at the Royster waste tire
9 site in San Joaquin County, California.

10 CHAIR MOULTON-PATTERSON: And you're
11 recommending option one.

12 MR. LEARY: There's only one option.

13 CHAIR MOULTON-PATTERSON: Excuse me?

14 BOARD MEMBER EATON: Have we worked out the
15 legal issues regarding air?

16 MS. TOBIAS: There's a section in the Health and
17 Safety Code, Section 25400, which provides an immunity
18 for public entities in taking an action in these types of
19 situations. Essentially what it does is present a broad
20 finding and says that what the Legislature provides is a
21 qualified immunity because they would rather have the
22 problem cleaned up than to not have it cleaned up and
23 have entities arguing over who has some kind of liability
24 or responsibility or whatever.

25 So what it does is basically says that where

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 there is a threat to the public health and safety because
2 of a discharge, spill or presence of hazardous substances
3 on public or private property, that there is a qualified
4 immunity from liability that's provided for public
5 entities. The definitions are very broad. Hazardous
6 substance means a substance that presents a threat to the
7 public because of toxicity, radioactivity, flammability
8 or other characteristics dangerous to the public health
9 and environment.

10 It also defines eminent peril to include a
11 peril, which if not mitigated, threatens the public
12 health or welfare or the environment. And so I think
13 under that section that we would have that qualified
14 immunity.

15 There's also a section in the Government Code
16 that provides that where a public entity is -- that
17 neither a public entity is liable for any injury
18 resulting from condition of fire protection or fire
19 fighting equipment or facilities for any injury caused in
20 fighting fires. I think that's less good and less broad
21 for our purposes, but I think the other one will protect
22 the Board when they take an action in this case.

23 I do want to say that the Board has attained a
24 judgment against the Royster estate as of yesterday. I
25 think based on both the fact that we have a judgment

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 against the estate and this particular section provides
2 that protection of liability.

3 BOARD MEMBER EATON: When are we going to begin
4 work?

5 MR. LEARY: With your authorization and your
6 adoption of this resolution we'll start to initiate the
7 detailed planning that will be involved with this. I
8 would hope that we would be able to complete this in a
9 fairly expeditious fashion and we could be on-site as
10 soon as two to three weeks from now, but that's
11 conditioned on our ability to do a good health and safety
12 program but that considers both on-site and off-site
13 emission monitoring as well as a good media and community
14 outreach event in advance of actually conducting the fire
15 suppression efforts, and to get good, reputable, strong
16 contractors with expertise in fire suppression of these
17 kinds on board and ready to go that soon.

18 BOARD MEMBER EATON: So we wouldn't be using our
19 regular tire contractor.

20 MR. LEARY: We'll use Sukut as our general
21 contractor and we'll ask them to retain specialty
22 subcontractors in fire suppression efforts. So we'll tap
23 the existing contract with the existing funds then direct
24 them to secure the services of the appropriate
25 subcontracts.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER EATON: And you'll have the final
2 say over that subcontractor?

3 MR. LEARY: Absolutely. Absolutely. But in
4 piggy-backing on what -- on Chief Counsel Tobias's
5 comments, from a technical perspective we will not
6 conduct this activity unless we can do it safely, unless
7 we can do it in a way that does not in any way worsen the
8 current situation, and if we can't do that I will be back
9 before you suggesting that we couldn't go forward for
10 those reasons.

11 BOARD MEMBER EATON: And let us know in addition
12 to the citizens in case we get a call.

13 CHAIR MOULTON-PATTERSON: You said probably two
14 to three weeks to get the plans and all. How long do you
15 anticipate it will take to do the work?

16 MR. LEARY: I think it's a matter of days, 24 or
17 48 hours certainly. It's minimal enough that we can
18 probably suppress it pretty quickly with all the right
19 equipment in place and moving forward. It's kind of the
20 thing once you start, you don't stop, you get it done.
21 Then we will leave.

22 CHAIR MOULTON-PATTERSON: Any questions?

23 Mr. Jones.

24 BOARD MEMBER JONES: Madam Chair, I'd like to
25 move adoption of Resolution 2000-452, consideration of

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 approval of the Royster site for waste tire stabilization
2 grant.

3 CHAIR MOULTON-PATTERSON: Motion by Mr. Jones.

4 BOARD MEMBER MEDINA: Second.

5 CHAIR MOULTON-PATTERSON: Seconded by Mr. Medina
6 to approve Resolution 2000-452.

7 Please call the roll.

8 BOARD SECRETARY: Eaton.

9 BOARD MEMBER EATON: Aye.

10 BOARD SECRETARY: Jones.

11 BOARD MEMBER JONES: Aye.

12 BOARD SECRETARY: Medina.

13 BOARD MEMBER MEDINA: Aye.

14 BOARD SECRETARY: Paparian.

15 BOARD MEMBER PAPARIAN: Aye.

16 BOARD SECRETARY: Roberti.

17 BOARD MEMBER ROBERTI: Aye.

18 BOARD SECRETARY: Moulton-Patterson.

19 CHAIR MOULTON-PATTERSON: Aye.

20 MR. LEARY: Thank you.

21 CHAIR MOULTON-PATTERSON: Thank you.

22 Local Assistance and Planning.

23 MR. SCHIAVO: Madam Chair, Board Members, Pat
24 Schiavo of the Diversion, Planning and Local Assistance
25 Division.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Item Number 27 is consideration of a request to
2 extend the completeness due date for the Ventura County
3 Siting Element and Summary Plan.

4 In 1995, Ventura County submitted their Siting
5 Element and Summary Plan. However, it didn't meet the
6 conditions of CEQA as approved -- as the Board would like
7 it to be considered. There is a disagreement that took a
8 couple of years to resolve between Ventura County and the
9 Board.

10 In the beginning of 1998, the Board approved a
11 modified schedule for Ventura County. However, because
12 of various unforeseen reasons, the County could not
13 complete the plan on time. They also requested and were
14 approved by the Board a couple of extensions to their
15 completeness due date. This particular instance the
16 County wants to be extended until February 15th, 2001.

17 Board staff is recommending approval of the
18 extension to February 15th, 2001. However, if it is not
19 completed at that time, Board staff would like to come
20 forward with a proposal to take the particular County to
21 hearing if again that date is not satisfied.

22 A representative of the Ventura County is here
23 if you have any additional questions for them. And that
24 concludes my presentation.

25 CHAIR MOULTON-PATTERSON: I'm sure you said

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 this, but they've been granted two previous time
2 extensions?

3 MR. SCHIAVO: Yes.

4 CHAIR MOULTON-PATTERSON: Questions? Comments?

5 BOARD MEMBER JONES: Madam Chair.

6 CHAIR MOULTON-PATTERSON: Mr. Jones.

7 BOARD MEMBER JONES: February 15th and then
8 that's the drop-dead date.

9 MR. SCHIAVO: That's it.

10 BOARD MEMBER JONES: I'll move adoption of
11 Resolution 2000-451, consideration of a request to extend
12 the completeness due date for Ventura's Countywide Siting
13 Element and Summary Plan.

14 BOARD MEMBER PAPARIAN: Second.

15 CHAIR MOULTON-PATTERSON: Motion by Mr. Jones,
16 seconded by Mr. Paparian, to approve Resolution 2000-451.

17 Please call the roll.

18 BOARD SECRETARY: Eaton.

19 BOARD MEMBER EATON: Aye.

20 BOARD SECRETARY: Jones.

21 BOARD MEMBER JONES: Aye.

22 BOARD SECRETARY: Medina.

23 BOARD MEMBER MEDINA: Aye.

24 BOARD SECRETARY: Paparian.

25 BOARD MEMBER PAPARIAN: Aye.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD SECRETARY: Roberti.

2 BOARD MEMBER ROBERTI: Aye.

3 BOARD SECRETARY: Moulton-Patterson.

4 CHAIR MOULTON-PATTERSON: Aye.

5 Okay. Item 28.

6 MR. SCHIAVO: Staff will go ahead and present
7 themselves and then introduce speakers on the next two
8 items.

9 MS. LAMBERT: Good afternoon, Chair Person
10 Moulton-Patterson and Members of the Board. My name is
11 Kimya Lambert and I work in the Office of Local
12 Assistance.

13 The item before you is an update on the status
14 of the approved scope of work for the rural cooperative
15 infrastructure development contract award to Del Norte
16 County. As discussed by RCRC this morning, rural
17 jurisdictions face certain challenges such as limited
18 resources and distance to markets in achieving
19 California's waste diversion goals.

20 Public Resources Code Sections 41787.3 et seq
21 require that the Board develop model programs and
22 materials to assist rural jurisdictions in achieving
23 California's waste diversion goals. The Del Norte Solid
24 Waste Management Authority developed a plan to implement
25 a model cooperative project with Humboldt County, and on

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 April 27th, 1999, the Board approved the scope of work
2 and funding for this project. The budget is set at
3 \$200,000 and the terms of the agreement is approximately
4 24 months commencing on June 2nd, 1999.

5 The Del Norte Humboldt cooperative model will
6 serve as a working tool kit designed specifically for a
7 region consisting of 19 rural counties. The scope of
8 work is divided into four phases: Initial cooperative
9 actions and coordinated research, developing and
10 analyzing the model, implementing and evaluating the
11 regional purchasing, recovery, processing and market
12 development plan, and finally delivery of a finished
13 product which would include, but not be limited to, the
14 model tool kit which will be designed for use by the
15 19-county region.

16 With that, I would like to introduce Kevin
17 Hendrick, the director of the Del Norte Solid Waste
18 Management Authority to provide an update of the status
19 on this contract.

20 CHAIR MOULTON-PATTERSON: Thank you.

21 MR. HENDRICK: Thank you, Kimya. I'll bet
22 everybody gets nervous when they do this.

23 I have one hand-out that includes a cartoon. My
24 name is Kevin Hendrick. I'm the Director of the Del
25 Norte Solid Waste Management Authority and I'm here to

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 speak to you about the rural cooperative recycling
2 infrastructure development project, a name which was
3 developed for the express purpose of not having an
4 acronym.

5 BOARD MEMBER ROBERTI: And it's almost
6 comprehensible.

7 MR. HENDRICK: I gave you a Dilbert cartoon,
8 partially because I like Dilbert and partially because
9 it's extremely relevant to the subject today in my
10 presentation. And if you'll allow me for the benefit of
11 the people in the audience, I'll read aloud.

12 Dilbert talking to the pointy haired boss, which
13 looks too much like me, "How do I get rid of my old
14 computer," Dilbert asked his boss. "Why don't you give
15 it to a school," he responds. Dilbert says, "Well, it
16 would take me a week to find someone to take it. The
17 hard drive is broken, it has no software, and it would
18 cause a tax accounting nightmare." The boss says, "Maybe
19 you could leave it on the school playground at night.
20 That's what I did with my old refrigerator." It ends
21 with Dilbert in the dead of the night dressed in black
22 dropping his computer on the top of the old refrigerator,
23 stating, "What I hate most is that I didn't have a better
24 idea."

25 That is the point. For one, it is in some ways

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 describes the state of recycling and diversion in rural
2 counties that the refrigerators and computers end up
3 somewhere else other than where they're supposed to be,
4 but probably more significant is that those are two items
5 that are currently being targeted for proposed programs
6 under this contract, the repair and recovery of computer
7 components and the repair and resale of white goods
8 including refrigerators.

9 As was mentioned in the introduction, this
10 project is a cooperation of the Del Norte Solid Waste
11 Management Authority, the Humboldt Waste Management
12 Authority, and the Regional Council Joint Powers
13 Authority, which are three regional agencies, to begin
14 with, working as a cooperative basis, and also under this
15 contract we have a subcontract with Center for
16 Environmental Economic Development which is providing a
17 lot of the hard work in developing this project.

18 We have several objectives. One is to build a
19 regional framework where we can build on and develop the
20 local policies and programs that we have developed
21 including the SRRE which was developed almost ten years
22 ago and more recently a zero waste plan which we prepared
23 for Del Norte County.

24 This plan was funded by a grant from the USDA
25 Forest Service and approved by the Board of Directors in

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 February of this year. Part of this plan in going beyond
2 50 percent is taking a look at our current snapshot of
3 our wastestream and identifying where there are service
4 opportunities and service voids; that is, do we have a
5 material that doesn't have a home, that doesn't have a
6 place to be recovered or -- which is a service void, or
7 do we have materials where there are opportunities that
8 still need to be taken advantage of. And that is the
9 heart of our objectives.

10 Included in this plan includes a proposal to
11 create a resource recovery park which is intended as an
12 incubator for recovery-based businesses I'll describe
13 later, but under this rural cooperative infrastructure
14 development program we plan on building on the successes
15 both in Del Norte County, Humboldt County, and the other
16 rural counties that were associated with the Regional
17 Council of Rural Counties.

18 The deliverable products as was mentioned
19 earlier include three things. One is developing a
20 specific plan for Humboldt and Del Norte County to guide
21 our regional efforts. Two is to adapt that plan to serve
22 as a model or guide for other rural counties that then
23 can be distributed through the Regional Council of Rural
24 Counties to the 20 other rural counties that are
25 involved.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 And finally, and this was emphasized early on
2 and I think when I met with some of you going into this,
3 to implement programs early and often, that there is
4 \$50,000 of this contract set aside for implementing
5 programs. And that's very important to us as we're
6 moving ahead planning to implement programs as we're
7 going along. The way that we plan on doing this and the
8 way that this is going to work in Del Norte County is
9 that we intend to build on values which are already
10 strongly held in rural communities. Can you hear me
11 okay?

12 (Laughter)

13 MR. HENDRICK: It's starting to sound like
14 "Jingle Bells" to me.

15 BOARD MEMBER EATON: The song is "Who Let The
16 Dogs Out."

17 MR. HENDRICK: Building on values that are
18 strongly held in rural communities including thriftiness
19 and self-reliance. This is important for not only our
20 landfill, our only landfill which we administer closes in
21 the year 2003. When that happens and we are in the
22 process of developing a transfer station, all of our
23 garbage will be shipped out to somebody else's landfill.
24 We need to be responsible for everything we can. We
25 believe that in the long run by being thrifty, by using

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 the resources rather than treating them as waste that we
2 will have a more efficient and more self-reliant system
3 for our county, and working regionally is what will help
4 to make that successful.

5 So we're developing a strategic plan that will
6 foster local recovery businesses, both in our county and
7 in the region. Specifically, the resource recovery park,
8 as a core of this project, is already an example of a
9 cooperative effort. We're working with a mill site reuse
10 program as a potential site for this facility. There is
11 a brown fields program that's taking contaminated mill
12 sites and trying to put them back into productive use.

13 This is a cooperative project with USEDPA, USEPA,
14 California Trade and Commerce, California Toxic
15 Substances Control, and the Del Norte County Economic
16 Development Department. So we will be recycling this
17 mill site to reuse it as an incubator for recovery-based
18 businesses. We'll also working with the Cal Works Job
19 Creation Program to provide funding for this incubator
20 project, and in December we'll be applying for a
21 community development block grant to buy equipment for
22 our first start-up expansion business.

23 That first business will be a regional project
24 involving Saint Vincent de Paul which currently has an
25 operation in Eureka where they repair and remanufacture

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 mattresses. Our plan is to establish a satellite for
2 that non-profit in Crescent City so that we can start to
3 collect the white goods and the mattresses for repairing
4 the white goods in Crescent City, creating a projected
5 six jobs, training people to provide that service, and
6 shipping the mattresses back to Eureka where they can be
7 remanufactured.

8 Also, there's currently a proposal to start a
9 computer resale -- a repair and resale business in
10 Humboldt County also involving Saint Vincent de Paul and
11 the local Co-Op which has a new arm that they're calling
12 Bone Yard Computers, once again to establish a regional
13 program to collect, repair, remanufacture and resell or
14 recover or recycle computer parts.

15 In addition, to focus on some of these
16 non-traditional materials, this project also focuses on
17 the more traditional activities in recycling, and the
18 tasks in this contract include consolidating market and
19 incentive information on a regional basis, analyzing
20 transportation economics, defining components of
21 cooperative strategy, assessing potential for sharing
22 technology and resources, consolidating waste generation
23 information, together what do the two counties have,
24 looking at the voids and the service opportunities that
25 are present for the two counties, and then expanding the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Humboldt County RMDZ to include Del Norte County.

2 A very innovative program actually called
3 Innovators Forum is setting up a series of meetings where
4 we bring together players, participants and innovators to
5 come up with new ideas or providing a spur for new
6 businesses that can target those materials. As those
7 businesses are developed, expanding this contract also
8 includes an expansion of the Recycle Store, which is a
9 great program that was started by this Board to promote
10 recycling-based products.

11 Finally, compiling -- finally, finally, finally,
12 buying recycled. We all need to commit to buying
13 recycled, not only our county, our region and all the
14 other rural counties, as an example, and this is a small
15 example, Humboldt County recently had a truckload sale to
16 buy composters. We didn't have enough to buy -- to bring
17 in a whole truckload, so we cooperated. And when I leave
18 here, I am going to McKinleyville to pick up 30
19 composters to bring back to Del Norte County so we can
20 have those available locally.

21 All this information will then be compiled into
22 a final plan including Del Norte and Humboldt County. As
23 I mentioned earlier, that plan will be adapted to be able
24 to serve as a guide for other rural counties and
25 distributed through the Environmental Services Joint

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Powers Authority including 20 counties in addition to Del
2 Norte County. When these plans are done, I look forward
3 to coming back to provide a final report and a final plan
4 for you.

5 In the way of what's next, two Innovators Forums
6 coming up, one focusing on reuse businesses which will be
7 November 8th and 10th, November 8th in Crescent City and
8 November 10th in Arcata, and a second Innovators Forum
9 focusing on construction and demolition.

10 In closing -- I apologize if I talk too fast.
11 I've got some adrenaline going here -- I want to thank
12 all of you, the California Integrated Waste Management
13 Board, all of your staff, for the support you've provided
14 to rural jurisdictions. In the time that I've worked for
15 a rural county, it has made a difference for us. Without
16 the grants and local assistance we would have never
17 achieved the success that we have today.

18 Finally I'd like all of you to visit in Del
19 Norte County if you get a chance. I'd be happy to show
20 you around. And at this point I'd answer any questions
21 you have.

22 CHAIR MOULTON-PATTERSON: Thank you very much.
23 Any questions?

24 BOARD MEMBER PAPARIAN: Just one.

25 CHAIR MOULTON-PATTERSON: Mr. Paparian.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER PAPARIAN: Like all state agencies
2 the prison there is under a requirement to reduce their
3 waste by 50 percent. How have you done working with the
4 prison in their waste reduction efforts or do you have
5 any comments about that?

6 MR. HENDRICK: I can comment on that. We have a
7 fairly good working relationship with CDC and Pelican Bay
8 State Prison. It is strictly based on a level of
9 cooperation because they have very little mandate to
10 actually have to work with us. They have in the range of
11 the 30s as far as their recovery rate, which compares to
12 45 percent which is the county as a whole. So they're a
13 little bit lagging behind where we are as a whole.

14 We have ongoing discussions to look at possible
15 ways that we can help them to increase their -- just
16 recently actually as a spin-off to the last Innovators
17 Forum, it focused on textiles. We were looking at that
18 Innovators Forum at bails of clothes they were coming out
19 of the Susanville Prison. So I went back to our own
20 prison officials to see if they would have similar types
21 of secondary textiles that we could be focusing on and,
22 in fact, they do have some.

23 So there's a general interest in finding ways
24 because it saves them money, and I think that's a
25 motivation for them. It is -- it has been in the past

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 difficult because there is no -- because they have
2 established themselves as separate sovereign entities
3 outside of our jurisdiction which makes it a little
4 difficult to plan, for example, future disposal because
5 they have no requirement to participate in our disposal
6 facilities yet we have an obligation to plan for them.
7 So we will move ahead and plan accordingly. And this is
8 a long answer to your question, but I hope it's
9 satisfactory.

10 CHAIR MOULTON-PATTERSON: Again, thank you very
11 much.

12 MR. HENDRICK: Thank you for providing us the
13 contract to be able to do this and I look forward to
14 talking to you again.

15 CHAIR MOULTON-PATTERSON: Mr. Jones.

16 BOARD MEMBER JONES: Is the prison still an
17 exporter of its waste? Is it going to Oregon or is it
18 currently coming to your landfill?

19 MR. HENDRICK: It is currently coming to our
20 landfill. Yes, it is. That's fine with us. We know
21 where it's going, but that is -- it is a separate bidding
22 process for them. They hire a separate contractor to
23 haul it so they can go where they want. Any other
24 questions?

25 CHAIR MOULTON-PATTERSON: I don't see any.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Thank you very much.

2 MR. HENDRICK: Thank you for your time.

3 CHAIR MOULTON-PATTERSON: We're now on Item 29.

4 MS. MORGAN: Good afternoon, Madam Chair, Board
5 Members. My name is Cara Morgan, Office of Local
6 Assistance.

7 Item Number 29 is an oral presentation on the
8 update of the school district diversion project contract.
9 The Board, having a leadership role in working with
10 school districts pursuant to PRC 42620, approved the
11 contract at the May board meeting to focus on school
12 districts as an opportunity to pilot institutional
13 diversion concepts.

14 School districts are a good model as they have
15 central management of multiple sites and school districts
16 are distributed throughout the state. The objectives of
17 the contract approved by the Board are one, to develop a
18 model waste management system that evaluates the entire
19 materials management and waste practices of school
20 districts; to develop a program for the Board to transfer
21 this model to other school districts and local
22 jurisdictions throughout the state; to utilize the model
23 for other institutional settings; and, through the
24 development of the model, the team will be assessing the
25 business benefits such as cost savings for school

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 districts to implement waste reduction programs.

2 At this time the consultant for the project will
3 provide an update on the products completed to date and
4 the schedule for the remaining work products.

5 MR. WHITNEY: Good afternoon. Since we don't
6 have an overhead projector, I have some handouts if you'd
7 like to see them. My name is Clint Whitney. I'm with
8 RMG Associates. We're consultants to the Office of Local
9 Assistance on this project and I think I'd like to begin
10 our presentation by saying that the Office of Local
11 Assistance, Pat Schiavo, Cara and her staff, as well as
12 Bonnie Bruce who is serving right with us in most of our
13 committee meetings, have been an excellent staff to work
14 with and we rarely see such enthusiasm about a subject
15 matter but we certainly have it here. So we're trying to
16 take advantage of that.

17 We have, as Cara indicated, we're really trying
18 to take a good look at the business side of the school
19 business. Heretofore, you've spent a lot of time -- I
20 didn't frankly realize how much time your Board and its
21 staff specifically on the curriculum side have spent --
22 in schools, developing tools for schools, particularly in
23 the classroom to further the cause of AB 939 and waste
24 reduction objectives.

25 On the other hand, there appears to be some

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 challenges ahead of us that haven't been addressed yet
2 that we're trying to discover and solve with this
3 project. First is just how to get access to the school
4 administrators. We've been fairly successful in talking
5 with teachers, talking with middle management staff,
6 operation staff, and we have actually instituted a lot of
7 projects, recycling programs over the last ten years.
8 Your files are full of those kinds of projects.

9 However, when we go back and look at some of
10 those projects, at least anecdotally -- we haven't made a
11 complete analysis of it -- many of those projects did not
12 sustain themselves primarily because what we call the
13 point of light person. That person that was enthusiastic
14 and made it happen got transferred, promoted or left the
15 district or the school and the program fell apart. I was
16 just informed of one just this last week in the City of
17 Antioch in which that very thing happened in an
18 elementary school district or in an elementary school I
19 should say.

20 The principal, chief custodian and the teachers
21 got together at the motivation of a citizen activist --
22 I might add that was a very important ingredient there --
23 put together a program this last year and it just fell
24 apart because the principal went to another district, the
25 custodian resigned for whatever reason, and the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 superintendent of schools resigned. So therefore, the
2 top management, the business end of the district all of a
3 sudden wasn't there anymore.

4 Now the teachers were left standing alone,
5 trying to sustain the program. The reason it came to my
6 attention is because this citizen was referred to me that
7 maybe Antioch might be a good pilot district for us to
8 consider, and indeed we've got them in mind. However,
9 we've got a lot of evaluation to do there, which I'll get
10 into in just a moment.

11 But the point I'm trying to make is we're
12 looking at the business end of the districts, not the
13 curriculum end. We're trying to show and prove, if we
14 can, that it is good business to have waste reduction,
15 recycling and the other AB 939 objectives. There are
16 three components that we discovered early on in our
17 thinking that have to come together in order for this to
18 happen.

19 First of all, we have to have the district's
20 attention at the right level and we're thinking that the
21 superintendents of schools and the chief business
22 officers, those are critical people that make the
23 decisions and guide their boards to adopt policies, that
24 then they can develop regulation and operational
25 procedures but then institutionalize the behavior of

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 everybody in the district. And so we're focusing on
2 those key positions.

3 Our mission is really to figure out how to
4 sustain these programs over time, not to just implement a
5 program and walk away and hope that it survives. We want
6 to try to find out what those keys are that gets it
7 started and then keeps it going, hopefully on a routine
8 basis because it's simply good business and they've
9 adopted the practices to make it happen on a daily basis
10 without a whole heck of a lot of thought about it.

11 The three components here that have to come
12 together are the business end of the districts, the local
13 jurisdiction is very key, as is the Office of Local
14 Assistance and the extended family of the Office of Local
15 Assistance in your organization which are support,
16 technical and otherwise, financial, technical and
17 otherwise, to citizens in general, but in this case the
18 districts.

19 So we're trying to figure out how we
20 institutionalize behavior in the local jurisdiction and
21 in the Office of Local Assistance and in your
22 organization so that you have the right kind of support
23 at the right time with the right people that initiate
24 these projects and then sustains them over time with the
25 support system behind it. We think there's a triangle

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 here that we have to think about. It isn't just the
2 schools. It's the other two components of the triangle.
3 So we're trying to figure this out and these are
4 challenges, I must admit.

5 The first challenge is just access to the
6 schools, how do you get into the schools. We've heard
7 your curriculum staff here tell us that one of their big
8 problems is that they don't know how to get the attention
9 of the administrators in the schools. The teachers can
10 only go so far in implementing programs. What they need
11 is policies and directions from the bosses that say yeah,
12 you will do it this way kind of a thing. So that's a big
13 challenge for them.

14 Then one of the biggest chores we have is
15 compiling information. To your credit, significant
16 credit, you have a lot of information in your files and
17 links to information on the internet and other department
18 files like the Department of Conservation, Department of
19 Education and others. There is a wealth of information
20 on how to do this. I doubt very much that we'll
21 inventory anything new in this project except maybe that
22 slice that is how to institutionalize this, how to make
23 it happen over time. That's where our focus is.

24 But so far we have appointed what we call a
25 resource committee which is a number of individuals from

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 other units from throughout the Board. I think the
2 number now is 10 or 12 now. We keep adding to it as we
3 discover linkages to our program. These are our resource
4 people. These are first experts in their field, whether
5 it be composting, organics management, recycling or
6 whatever, used oil, whatever. These are our resource
7 people, technical people that give us advice on where to
8 go to understand fully how these things might fit with
9 school districts.

10 Secondly, they later on will become your
11 resource to actually go out and provide support to
12 implement programs, hands-on out there with the local
13 jurisdiction and the school districts and others as the
14 project is rolled out to do it. So in effect this is
15 transferring technology to the broader organization for
16 use later on.

17 We've developed a resource guide. This is a
18 document that's a work in progress right now. We have
19 dubbed it "Tools For Schools" now, but basically this is
20 a how-to cookbook which we're trying to develop which
21 will be one of the final products of the project when we
22 develop it. But in the interim it will also be our
23 document to use as we make the analysis of each of these
24 segments in the school districts.

25 We're compiling information in chapters here

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 under various headings that we'll use as an analytical
2 tool so that presumably this will be a pretty darn
3 complete document that will be then available for you to
4 distribute throughout the state, and we believe it will
5 be generic enough that it can be used not only in
6 schools, but it can be used in other institutional
7 settings, hospitals, prisons, any institutional kind of a
8 setting. This will be what we think is major product of
9 our project.

10 We also are developing a step-by-step guide for
11 ourselves as to what we do when we go into a school, when
12 a team goes into a school district, just how do we go
13 about the analysis, where do we begin. And that isn't
14 quite as far along as this document is, although we do
15 have an outline of that that we're working with right now
16 in developing.

17 Our goal is to really develop a step-by-step
18 cookbook for everybody to use. And the real hard
19 deliverable product from this contract will be an
20 analysis of each of the pilot districts and we hope to do
21 six. We have in the proposal that we will do up to six,
22 but it looks very much like we might be able to manage
23 six with the time and resource that we have. So we're
24 going for it.

25 We've spent a great deal of time in addition to

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 developing this book of actually sorting out what
2 districts are we going to try to work with and we've
3 developed some criteria that we've used. We've come up
4 with a -- well, we call it a semi-long list and then we
5 have a semi-short list and then we have a short list that
6 we're actually contacting right now, and I can share
7 those with you if you like.

8 This is a sheet -- this is actually the ranking
9 sheet and I'll give you a little bit of background. We
10 chose as a team not to make a statewide solicitation of
11 school districts for two reasons. One, we were fearful
12 nobody would respond; second, we were afraid that
13 everybody would respond. Either way we were concerned.

14 So what we did is used your staff, our resource
15 committee as well as the Office of Local Assistance
16 people who work with local jurisdictions all the time,
17 every day, day in and day out. We used them as a
18 resource to identify those that met certain criteria that
19 we thought was important, and among those criteria was --
20 and we ranked these criteria in an exercise over a couple
21 of meetings.

22 The criteria were willingness to participate,
23 and we had a list of things of what that means under that
24 criteria. We wanted districts that took into account
25 geographical considerations. We wanted to take into

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 account political considerations. What I mean by that is
2 small pea, not large pea, political consideration is we
3 didn't want to go school district in which there was a
4 dispute going on between the school district and a local
5 jurisdiction over something, whether it be waste matters
6 or not. We didn't want to invite ourselves into some
7 kind of a sticky situation. Thankfully we found none
8 like that in the ones that we considered.

9 We wanted to look at jurisdictions that are
10 not -- that are school districts that are in
11 jurisdictions that are not meeting AB 939 goals as much
12 as we can so that if we do get some benefit from our
13 work, it will help that local jurisdiction meet the AB
14 939 goals. And then we have several other routine kinds
15 of criteria that I can share with you if you like. I can
16 hand this out.

17 We want rural, suburban, urban. We want
18 districts that cross jurisdictional boundaries. For
19 example, one on the list has three different counties and
20 four cities in their jurisdiction that that school
21 district covers. We wanted large, medium and small. We
22 were looking for some that had some experience and we
23 were looking for some that didn't have very much
24 experience.

25 And finally, thanks to your advisors in a

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 meeting we had with them, we added to that demographics,
2 that we wanted to look at a diverse population, both
3 ethnically and economically. I've got a chart that I can
4 hand out to you that shows what those districts are.

5 The one I just handed out, you can see that we
6 have them ranked on the right-hand column, and as you can
7 see Visalia came out number one; Ravenswood, which is in
8 East Palo Alto, is number two. If you have any questions
9 about those, I will be glad to try to address them.

10 There are some on here, for example, Amador fell
11 off the list. It's number 13. It's the very last one.
12 And they're not really technically off the list, but it's
13 not one we're going to pay a lot of attention to unless
14 we have a whole bunch of them fall out.

15 We have chosen to take the top eight of this
16 list to follow-up on, and Madam Chairwoman has sent a
17 letter to the district superintendents of the top eight
18 on this list, indicating to them that we have selected
19 them as a potential pilot and we would like to get
20 together with them and discuss it and find out if we
21 could work together. And we're in the process now of
22 following up on that letter this week and next. So
23 that's the districts.

24 This next chart is the one that shows you what
25 the diversity is of these districts. And I won't belabor

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 this. If you have questions, it's pretty self-evident.
2 What we kind of found out is that diversity is not much
3 of an issue in this state in the main. There are some
4 pockets of nondiversity, I suppose, ethnic diversity, but
5 not many anymore. We have a pretty diverse population in
6 California. So that didn't turn out to be much of an
7 issue that we had to deal with. Pretty much the ones
8 that your staff recommended we could work with turned out
9 to be pretty darn diverse.

10 Again, on this chart -- I'll leave it to your
11 leisure to look it over, but you can see it's fairly
12 diverse. There are some that are best -- Huntington
13 Beach is on this list. It is not under consideration.
14 We have -- Long Beach is the largest district. It's got
15 87 schools and 89,000 student population. We didn't
16 think we could take on too many more big ones that size.
17 If Long Beach falls off the list, we can go to Santa Ana,
18 Huntington Beach, and I just -- I got a call this week
19 inviting us to consider San Juan Unified School District
20 in Sacramento as well, which is very large district.

21 So unless you have any questions, I won't go any
22 further over that. With the schedule --

23 CHAIR MOULTON-PATTERSON: Excuse me.

24 Mr. Jones.

25 MR. WHITNEY: Excuse me.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 CHAIR MOULTON-PATTERSON: Mr. Jones has a
2 question.

3 BOARD MEMBER JONES: I have a question on the --
4 not on the demographics but on the actual rankings. Is
5 part of -- in ranking these did you look at where the
6 majority of their waste comes from now as far as what
7 their needs were? Schools that cook their own lunches
8 for kids and in some schools they have to do it twice a
9 day as opposed to those that get it brought in,
10 prepackaged from a regional-type site, is that --

11 MR. WHITNEY: We didn't get to that level of
12 detail. However, almost fortuitously we did look at meal
13 serving because if you'll notice on the demographic chart
14 the last two columns is free and reduced meals. That
15 tells you how many meals they're serving, and you'll
16 notice that there's at least one on here that's at least
17 a hundred percent. National City School District serves
18 100 percent meals and then the AFDC shows you then what
19 the economic situation looks like in that district. So
20 in a fortuitous way we did look at the meal serving but
21 not at the level of detail that you're asking about.

22 BOARD MEMBER JONES: Okay. Go ahead. Thanks.

23 MR. WHITNEY: The schedule from here on is for
24 the remainder of this month, and in November we will be
25 doing our negotiations, if you will, with school

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 districts. We have our meeting with Long Beach Unified
2 School District on Friday of this week, as a matter of
3 fact, and if they nod their head we will begin work there
4 next week.

5 We will continue on then with that list of
6 eight, and as some drop off we'll add more of the 13
7 there as we go along. And I must admit to a little
8 nervousness that some of them might not sign up, but we
9 hear a lot of enthusiasm. So we'll see when we actually
10 put it on the table.

11 We're not asking a whole lot of these districts
12 in terms of resources. We're not asking them to give us
13 a cadre of ten people, we're not asking them for cash,
14 we're also not giving them any cash, but we're really
15 asking for their records, their information and access to
16 the people that understand their waste practices. We'll
17 do the rest is basically what it amounts to.

18 So this month and next we hope to have all of
19 our schools signed up and be working in earnest. We will
20 then do the analysis from November to April. We will
21 then develop a reporting and tracking system, that's part
22 of the contract, to work with your Information Management
23 Branch people to develop some kind of a baseline and then
24 a tracking system hopefully that we can get on your
25 computers so that you have a reporting mechanism to find

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 out as schools implement these programs what kind of a
2 positive impact that you're having.

3 The project update, we'll give you another one
4 about February. We think that timing will be good
5 because we will be deep into the districts by then and
6 we'll be able to give you an update. And during the
7 February-April period we will start making our reports
8 and recommendations to each of the pilot districts, and
9 then ultimately the May-June period of next year we'll
10 give you your final report.

11 That's pretty much the schedule to date.

12 CHAIR MOULTON-PATTERSON: Thank you,
13 Mr. Whitney. Any questions or comments?

14 Mr. Jones.

15 BOARD MEMBER JONES: Just another question. The
16 target goal for this program is to attack the wastestream
17 that's being generated within the schools.

18 MR. WHITNEY: Yes.

19 BOARD MEMBER JONES: And give them the tools.

20 MR. WHITNEY: Yes. In listening to your WRAP
21 awards this morning, that would be ideal if we could get
22 the same kind of results that you're getting in
23 businesses that we could get in school districts because
24 that's essentially what they are. They're a business, at
25 least the slice that we're looking at. So we're trying

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 to motivate them to do this and sustain it for their
2 reasons, not our reasons, not because the law says they
3 have to, because it doesn't, but we want them to be
4 motivated because it's in their self-interest to do it.

5 We're trying to discover what that is, what is
6 their self-interest. I happen to believe that there's
7 some real good economics at the bottom line here. I
8 could be proven wrong because we haven't been testing
9 this yet, but that's what the pilot is all about. On the
10 other hand we've been told by your curriculum people and
11 from our -- we have a couple of superintendents of
12 schools working on our consulting team, one retired and
13 one still active, and they tell us look, you're up
14 against it because they have all of these classroom
15 mandates now, this Stanford 9, all this testing business.

16 All these mandates that are coming down has got
17 these folks right up to their eyeballs with pressure, and
18 to get their attention on something that they have no
19 legal responsibility for, when you get right down to it,
20 is going to be a challenge. My theory is if we can
21 motivate them with some ideas about how to take some of
22 the money from their bottom line that they're spending on
23 waste now and they could shift it over to put it on their
24 higher priority, which is students in the classroom, that
25 might be something that would motivate them and then

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 would sustain that program over time.

2 So that's what the pilot is really all about and
3 frankly remains to be seen whether we can pull it off.

4 BOARD MEMBER JONES: The -- I'm glad. That's
5 what I voted on. I just wanted to make sure it hadn't
6 changed. But I think that it's important -- and I don't
7 know all these jurisdictions, but I've worked inside an
8 awful lot of school districts, providing solid waste and
9 recycling services and never found two to be the same. I
10 found them to be similar but none the same. I think what
11 keys it -- there's a couple things.

12 You're right as your point of light, but I think
13 the other thing, what I was hoping is going to come out
14 of this, and I'm still hoping, is that based on certain
15 criteria like do they cook, what kind of meals do they
16 cook, is there a lot of tin, is there a lot of canned
17 food, those types of things, to show them ways.

18 The only way that I could ever do this was to
19 actually go in the kitchens, go in the classrooms, show
20 them where they could save money and it was the principal
21 understanding that he could save on his garbage bill, not
22 by buying a compactor because I'm going to charge him
23 weight on the compactor, but on real programs. And I got
24 nervous in the last board meeting because there were
25 dollars going to be allocated to mulching lawnmowers and

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 tree trimmers for schools as part of this program and
2 that doesn't go to the heart of it for me.

3 You have to know what goes to the heart of it is
4 trying to give them a cookbook to show them how to save
5 money without listening to somebody giving them a line
6 about how a compactor will do it.

7 MR. WHITNEY: Right. If I may belabor for just
8 a moment to speak to the point you're trying to make is
9 that what this comes down to fundamentally is analyzing
10 their procurement practices on the one side, i.e.,
11 pre-waste, and their waste system on the other side,
12 post-waste. A big component of that post-waste is their
13 cafeteria setting. In fact, this project originally
14 started out focusing on that and we discovered we could
15 go beyond that possibly.

16 On our consultant team we have general manager
17 of the Santa Clarita Valley Joint Powers Authority the
18 food service that serves five districts food services.
19 So we've got him on retainer to help us sort that whole
20 element out. We think that's a big pay-off element
21 there.

22 BOARD MEMBER JONES: Get the guy that cooks for
23 140 kids out of a can too because his needs are going to
24 be very different and his budget is going to be very
25 different.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 MR. WHITNEY: Absolutely.

2 CHAIR MOULTON-PATTERSON: Thank you,
3 Mr. Whitney.

4 MR. WHITNEY: Thank you.

5 CHAIR MOULTON-PATTERSON: We have three more
6 large items and we have to be out of this room at 4:00.
7 There are no exceptions because they have a City Council
8 meeting in here.

9 Administration and Policy, Number 30. This is
10 the consideration of the report to the Legislature on the
11 duplication or overlap between the Waste Board and DOC.

12 MS. PACKARD: Good afternoon, Madam Chair and
13 Board Members. My name is Rubia Packard. I'm the
14 Assistant Director for the Policy and Analysis Office and
15 today we are presenting to you Agenda Item 30 which is
16 consideration of the report to the Legislature on the
17 duplication or overlap between California Integrated
18 Waste Management Board and Department of Conservation
19 programs.

20 This report was mandated by Senate Bill 332 of
21 1999 which requires the Board in a consultation with the
22 Department of Conservation to prepare and submit a report
23 to the Legislature by December 1st of 2000. The purpose
24 of the report is to identify any duplication or overlap
25 in three distinct areas -- public information and

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 education programs, local government review and
2 assistance programs, and recycled materials market
3 development programs.

4 The law further requires the report to include
5 suggested legislation, budget actions or administrative
6 actions that could be taken to eliminate any duplication
7 or overlap between our programs.

8 In preparing this report, the approach we took
9 was to investigate how DOC's and the Board's programs
10 relate to each other. In those areas where there is a
11 relationship between the two programs, we sought to
12 discover how program effectiveness could be enhanced and
13 resources maximized to achieve our overall program
14 mandates.

15 As identified in the agenda item, options for
16 the Board include approving the report as prepared by
17 staff for submission to the Legislature, approving the
18 report with changes for submission to the Legislature,
19 and disapproving the report as prepared by staff. We
20 have not included a staff recommendation in the item
21 because it was our belief that the Board Members might
22 like to give us some additional direction or input on the
23 report, so we wanted to leave that as open as possible
24 since it is a draft report.

25 Tracy Harper from my staff and the Policy and

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Analysis Office will further describe the process we went
2 through, briefly, to prepare this report and at the
3 conclusion of her presentation we would very much
4 appreciate any comments that you have or any other
5 direction that you would like to give us regarding the
6 draft report and the findings in the recommendations.

7 CHAIR MOULTON-PATTERSON: Thank you,
8 Ms. Packard.

9 MS. HARPER: Good afternoon. Again, my name is
10 Tracy Harper and I'm with the Policy and Analysis Office.

11 To give some background, as you may be aware the
12 issue of duplication or overlap between the Board's and
13 DOC's program is not a new one. In fact, in the 1990s on
14 six different occasions various analyses led to the
15 recommendation that the recycling functions carried out
16 by the Department of Conservation be combined with the
17 recycling functions of the Board.

18 In 1992, the Legislature indicated in the
19 supplemental report of the Budget Act their intent to
20 transfer the Division of Recycling to the Board. In 1994
21 and 1995, the Governor's budget proposed a transfer of
22 DOC's recycling functions to the Board and the
23 Legislative Analyst's Office recommended in their
24 1993-1994 budget analysis transferring the beverage
25 container recycling program to the Board.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 The Little Hoover Commission report in 1994
2 recommended that a new comprehensive recycling program be
3 established within Cal/EPA. In fact, it is stated that a
4 key policy question for the State is whether an orphan
5 recycling program can be as effective as one that is an
6 integral part of the State's overall solid waste
7 management program. In its 1996 California Competitive
8 Report, the Wilson administration proposed a new
9 Department of Waste Control within Cal/EPA. Finally, in
10 last year's budget the Governor expressed the intention
11 to explore consolidating the Division of Recycling with
12 the recycling functions of the Board, which brings us to
13 today's report.

14 When we first met with the DOC staff last
15 summer, it was our belief that we would look at a series
16 of memorandum of agreements, MOAs, between the Board and
17 DOC that had been completed in 1995 and 1996, discovery
18 that duplication and overlap had been eliminated, and
19 that while we were both working on recycling, we could
20 simply by improving coordination and/or a collaboration,
21 eliminate confusion over who was doing what relative to
22 recycling programs within the state.

23 We met with DOC and agreed upon an approach that
24 included looking into the three major program areas --
25 public information education, local government review and

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 assistance, and recycled materials market development.
2 This agreed-upon approach included identifying areas of
3 duplication and overlap along with proposals for
4 eliminating it, but also looking forward to including
5 opportunities for future coordination and collaboration.

6 The whole approach was based upon determining
7 how resources could be maximized resulting in increased
8 program effectiveness. In order to gather this
9 information, we developed a matrix that included each
10 activity engaged in by the Board related to the three
11 program areas. We then identified where each of the
12 Board program area activities touched an activity carried
13 out by DOC. We then analyzed that specific program area
14 to determine if those activities could be considered
15 duplication, overlap or an area where further
16 collaboration and coordination would again result in
17 increased program effectiveness.

18 The matrix was provided to DOC staff so they
19 could do the same type of analysis and provide the same
20 level of information. Ultimately we did receive some
21 program information in a different format. Each of the
22 three program areas we found duplication and overlap.

23 Now for the findings. The report includes
24 findings for each of the three program areas. The first
25 finding is that overlap and duplication in public

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 education campaigns has resulted in the public receiving
2 a mixed message.

3 A second finding, overlap and duplication in
4 local government review and assistance has resulted in
5 decreased program efficiencies. And the third finding,
6 overlap and duplication in market development has
7 resulted in lost opportunities for sharing expertise that
8 would maximize program effectiveness.

9 Based on those findings, it is clear that
10 duplication and overlap does exist. This report finds
11 that while the orphan recycling program at the Division
12 of Recycling may function, the State's resources would be
13 maximized and program effectiveness enhanced if the
14 recycling functions under the Division of Recycling were
15 combined with the recycling functions of the Board.

16 This report recommends that consolidation of the
17 recycling functions of the Division of Recycling and the
18 recycling functions of the Board is the most appropriate
19 remedy. And that concludes our presentation.

20 CHAIR MOULTON-PATTERSON: Thank you, Ms. Harper.
21 Mr. Paparian.

22 BOARD MEMBER PAPARIAN: This is going to be a
23 pretty important thing that we discuss and vote on and I
24 believe there may be a number of people in Sacramento who
25 may have some comments on this. I know that the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 requirement to get the report to the Legislature is
2 December 1st. I think the time would be certainly tight
3 for us after the next board meeting, but I would like to
4 give the opportunity to people in Sacramento who might
5 want to provide comment on this to provide those comments
6 and take our actual vote on it at the November meeting.

7 CHAIR MOULTON-PATTERSON: Thank you. Any other
8 comments before we move into that?

9 I agree with Mr. Paparian. I've gotten a number
10 of calls from stakeholders that asked if we could discuss
11 this in Sacramento and I really appreciate the time
12 crunch and all that, but I think this would be something
13 that we should do. And I don't know -- do we need a vote
14 to continue?

15 Hearing no objection to continue it to the
16 November meeting, I would like to go ahead and do that.
17 Okay. Thank you very much.

18 MS. PACKARD: Thank you.

19 CHAIR MOULTON-PATTERSON: Item 31.

20 MS. JORDAN: Good afternoon, Chair
21 Moulton-Patterson and Members of the Board. I'm Terry
22 Jordan with the Administration and Finance Division, and
23 I'm going to introduce Susan Villa to present Agenda Item
24 Number 31.

25 MS. VILLA: Madam Chair, Board Members, I'm

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Susan Villa, Manager of the Business Administration
2 Office, and I'm here to present Agenda Item 31,
3 consideration of approval of consulting and professional
4 services concepts for fiscal year 2000-2001 from the
5 Integrated Waste Management Account.

6 Before I go into the item itself, we have a
7 couple of corrections in the item. On page 31-2, the
8 amount held in reserve should say \$270,184, and on page
9 31-3 under the funding the amount should be \$59,000 and
10 again on the resolution the amount under the "therefore,"
11 "now, therefore," should be \$59,000.

12 At the September board meeting there were a
13 couple of concepts that the Board asked for us to bring
14 back at a later time, and at this time we are only
15 bringing one of those concepts forward today to be
16 considered and that is the Environmental Protection
17 Indicators for California, or EPIC project, for your
18 consideration today.

19 This particular project is a broad-reaching
20 project and the results will be mutually beneficial to
21 all of the boards and departments and offices within
22 Cal/EPA. Cal/EPA has asked the Office of Environmental
23 Health Hazard Assessment to take the lead on this project
24 and the approximate amount of the overall project is
25 about \$600,000. Our portion of it is \$59,000. All of

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 the other boards and departments will have an appropriate
2 share based on their PY count. The funding will provide
3 for a consultant to assist in the design and
4 implementation of the environmental indicators study.

5 Staff recommends that the project be funded at
6 \$59,000 and that Resolution 2000-453 be approved. This
7 project meets the goals and divisions of Cal/EPA and
8 aligns with the Governor's environmental policies and it
9 also meets the Board's strategic goals.

10 CHAIR MOULTON-PATTERSON: Thank you, Ms. Villa.

11 BOARD MEMBER MEDINA: Madam Chair, I would like
12 to move the adoption of Resolution 2000-453,
13 consideration of approval of consulting and professional
14 service concepts for the fiscal year 2000-2001 from the
15 Integrated Waste Management Account in the amount of
16 \$59,000.

17 BOARD MEMBER PAPARIAN: Second.

18 CHAIR MOULTON-PATTERSON: Okay. It's been moved
19 by Mr. Medina, seconded by Mr. Paparian, and Mr. Eaton
20 has a question or comment.

21 BOARD MEMBER EATON: What was our percentage
22 last year that we gave to Cal/EPA as part of our
23 assessment per the budget? Each agency is required under
24 the creation of Cal/EPA to contribute a certain amount of
25 money to Cal/EPA based upon PYs. What was that last year

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 or this year currently?

2 MS. JORDAN: That is a direct appropriation.

3 BOARD MEMBER EATON: Right. (Inaudible). It's
4 given to them instead.

5 MS. JORDAN: That's right. I don't have that
6 percentage off the top of my head, but the actual dollar
7 amount is approximately \$300,000 out of IWMA and I
8 believe that the oil has a small portion, \$20,000 or
9 \$30,000 if I'm not mistaken. I don't have the Budget Act
10 in front of me but the IWMA has \$300,000 that is directly
11 appropriated to Cal/EPA.

12 BOARD MEMBER EATON: So this would be another
13 20, 25 percent. How much of this was appropriated in
14 this year's fiscal budget for the EPIC program? Has that
15 been approved yet by the Legislature?

16 MS. JORDAN: No. There has not been monies
17 appropriated for this purpose. It is within their
18 strategic vision, as is within our strategic vision, to
19 use consulting and professional services and they have
20 asked because of the vision that they have and the
21 alignment with the Governor's policy that the boards and
22 departments align with their vision, strategic vision,
23 and that we contribute towards this effort because it
24 benefits all of the boards and departments to meet the
25 environmental requirements.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER EATON: What happens if the
2 Legislature doesn't approve the EPIC program? What
3 happens to the money that was given?

4 MS. JORDAN: I'm not certain I understand the --

5 BOARD MEMBER EATON: This is a program that
6 needs legislative authority.

7 MS. FISH: No.

8 BOARD MEMBER EATON: My understanding from
9 talking to the budget consultants in the Legislature
10 this is a separate program. Environmental indicators
11 needs approval for each of the agencies because we're all
12 contributing. A certain amount of money that was given
13 to each of the agencies is allocated through the annual.
14 We have -- this is a separate allocation.

15 MS. JORDAN: If I may --

16 BOARD MEMBER EATON: We've been criticized in
17 the past before. That's why I raised objection the last
18 time.

19 MS. JORDAN: This is a study --

20 BOARD MEMBER EATON: And I didn't get the legal
21 opinion on it, and yet back 30 days thereafter. So what
22 I'm asking is if the money is not approved and not used
23 for EPIC, does it come back to the Board?

24 MS. FISH: This project I believe will go
25 forward because the intent is that the environmental

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 indicators will become the performance outcomes of our
2 strategic planning that is currently ongoing, and we have
3 technical staff that are serving on the team at OEHHA to
4 help develop those performance outcomes.

5 BOARD MEMBER EATON: -- not been permitted to be
6 expended or there's authority for the program in the
7 Governor's budget.

8 MS. FISH: Strategic planning, however, is an
9 expectation of our mandate.

10 BOARD MEMBER EATON: Different issue. Different
11 issue.

12 MS. FISH: Not if the environmental indicators
13 or performance outcomes of this result in part of our
14 strategic planning process.

15 BOARD MEMBER EATON: But to make an assessment
16 for each of the different boards and commissions does
17 require separate legislative authority. Yes or no. The
18 answer is yes. You know it's yes.

19 CHAIR MOULTON-PATTERSON: We have a motion by
20 Mr. Medina, seconded by Mr. Paparian, to approve
21 Resolution 2000-453.

22 Please call the roll.

23 BOARD SECRETARY: Eaton.

24 BOARD MEMBER EATON: No.

25 BOARD SECRETARY: Jones.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER JONES: Aye.
2 BOARD SECRETARY: Medina.
3 BOARD MEMBER MEDINA: Aye.
4 BOARD SECRETARY: Paparian.
5 BOARD MEMBER PAPARIAN: Aye.
6 BOARD SECRETARY: Roberti.
7 BOARD MEMBER ROBERTI: Abstain.
8 BOARD SECRETARY: Moulton-Patterson.
9 CHAIR MOULTON-PATTERSON: Aye.
10 Item 32.
11 MR. SCHIAVO: Good afternoon again.
12 Item Number 32 is a discussion and
13 consideration, evaluation and possible action to direct
14 rulemaking on state minimum standards and/or other
15 regulations to alter, change or suspend Board policies
16 and/or procedures. Long title.
17 At the September board meeting, staff was
18 directed to come back to this October board meeting with
19 a list of policies, regulations, related statutes, so
20 that the Board could evaluate the activities of staff
21 that have been taking place. In response to the Board's
22 request, staff has compiled a matrix from the Diversion,
23 Planning and Local Assistance, Permits, and the
24 Enforcement Division that contain a listing of policies,
25 related regulations, related statutes, and finally a

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 description. You'll again see that on the attached
2 matrix.

3 Staff have also presented to you four options
4 that are available. One is to modify the existing
5 matrix. The second option is to select specific
6 activities or topics from the matrix and direct staff to
7 come back, return with a focus discussion item on the
8 selections. The third option is to select specific
9 topics from the matrix and direct staff to return with an
10 action item to alter or suspend some of the selections.
11 And finally, the fourth option that staff presented is no
12 action at all.

13 That concludes my presentation, and we're all
14 here for any questions.

15 BOARD MEMBER ROBERTI: So this list -- I don't
16 see where the staff recommendation is.

17 MR. SCHIAVO: It's back on the first page.

18 BOARD MEMBER ROBERTI: Agenda Item 32, first
19 page.

20 MR. SCHIAVO: There is no recommendation. It's
21 a series of four options.

22 BOARD MEMBER ROBERTI: You essentially gave us a
23 list of what the staff policies are. Now, I take it some
24 of these policies are in regulation form or have been
25 voted on as regulation. Could counsel sort of tell me

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 what the difference between a policy and regulation is?
2 Since regulations have to be approved after proper
3 hearing notice and all that sort of thing, what is the
4 difference in terms of weight as far as policy and
5 regulation?

6 MS. TOBIAS: That is precisely the difference.
7 Once the Board adopts something under the Administrative
8 Procedures Act and puts something into regulation, it has
9 the weight of law and so that's what a board would want.

10 BOARD MEMBER ROBERTI: I understand that, but at
11 the last meeting when this came up you indicated to us
12 that we were bound by policy.

13 MS. TOBIAS: Well, I think I said, if I
14 understand which one you're referring to, I think I may
15 have said --

16 BOARD MEMBER ROBERTI: Specifically Billy
17 Wright.

18 MS. TOBIAS: We were bound by precedent as
19 opposed to policy. What I meant by that is in addition
20 to regulations, there's often a path or a pattern that a
21 board follows over time where by making certain decisions
22 over time they set out a pattern or what we often call a
23 policy by doing something over and over. And so to
24 deviate from that then leads to the possibility that a
25 challenge can be brought that the Board, if they switch

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 from that, wanders into the -- into an unreasonable
2 position.

3 When a governmental agency is taken to court,
4 one of the things the courts will look at is whether
5 they've undertaken a reasonable action. So what the
6 Board wants, any board wants, is to basically be
7 reasonable back into that. What you want is to be
8 consistent with the actions that you've taken all along.

9 BOARD MEMBER ROBERTI: So in essence policy
10 doesn't necessarily have the force of law but it can't
11 operate as precedent in court.

12 MS. TOBIAS: What I think is more of a
13 determinant of reasonableness or unreasonableness as
14 opposed to saying that policy bears some legal --

15 BOARD MEMBER ROBERTI: I understand. Now, for a
16 policy to be enacted, does that take always a formal
17 adoption of the policy or is that, as you were
18 indicating, through repeated decisions?

19 MS. TOBIAS: I think often when we talk about
20 policies, we talk about either a pattern over time or it
21 may be something that the Board, in approving a project,
22 basically starts to say well, this is the way we would
23 like to see this done. So I think the word "policy" is a
24 pretty loosely used one.

25 Essentially if a board has a policy that they

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 want to abide by, it's better to get it into a regulation
2 because then we're back to the start. It has the weight
3 of law behind it.

4 BOARD MEMBER ROBERTI: Well, Madam Chair, at
5 some point in the not-too-distant future, as far as I
6 think, we ought to review specifically each policy. If
7 we can do that, say, on a bit-by-bit basis between, say,
8 now and just throwing off the top of my head the January
9 meeting, then I suspect we would -- I personally wouldn't
10 favor the necessity of a blanket suspension of all
11 policies pending review.

12 However, if it's going to take longer than that,
13 then my own recommendation, feeling, would be on the
14 suspension policy that have been undertaken so that we
15 can review them until the light of a new way of looking
16 at things.

17 CHAIR MOULTON-PATTERSON: So you said January?

18 BOARD MEMBER ROBERTI: I throw that out. I'm
19 saying January. I'm just --

20 CHAIR MOULTON-PATTERSON: Because I know on
21 boards I have been on we have done a review of policies
22 and regulations like four a meeting or something like
23 that and gone through them.

24 BOARD MEMBER ROBERTI: I think that is
25 absolutely appropriate considering there has been a

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 change in administration. I'm not one of the
2 administration appointees, but I think that's reasonable.

3 CHAIR MOULTON-PATTERSON: Well, I certainly
4 agree with you and I would like to go down that road
5 rather than suspending them, and I'm speaking for myself
6 personally, but I don't want to take two years.

7 BOARD MEMBER ROBERTI: No, no, no. I'd like it
8 to take place while -- if it takes place, while I'm still
9 here.

10 CHAIR MOULTON-PATTERSON: Other Board Members?
11 Mr. Paparian and Mr. Jones.

12 BOARD MEMBER PAPARIAN: A couple of things. At
13 the agenda workshop last week, I brought up the question
14 of state minimum standards and whether or not they should
15 be part of this list, and I'm not sure if we left it that
16 they ought to be on the list or not, but I believe that
17 they should be on the list of items that we take a look
18 at in terms of whether or not we want to engage in a
19 process of potential revision.

20 MS. NAUMAN: Yes, Mr. Paparian. We did note
21 that you had made that request, and it would be our
22 intent while we didn't revise the list between then and
23 now, but that would be included and we're certainly
24 looking for your direction on any other items that we
25 might have overlooked.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 This was our first effort to take a cut at
2 putting together this list. So we're looking for
3 additional things you would like to see included as we
4 start to work with you to prioritize what ones to look at
5 and in what order.

6 BOARD MEMBER PAPARIAN: The second question I
7 had was the issue of landfill gas violations and
8 expanding boundaries to address landfill gas violations.
9 Is that within the long-term violation policy adopted in
10 7-1994?

11 MS. TOBIAS: I would say that that is. The
12 issue of an entity adding land as opposed to the
13 long-term gas violation policy is really something more
14 that has been discussed by the Board with a couple of
15 permits that have come through.

16 One of the things that I wanted to mention is
17 that of course a board can change their regulations,
18 their pattern of doing business whenever they feel the
19 need to. The consideration that any board needs to take
20 into account is what we often call the pipeline projects,
21 projects that have been coming along with some
22 expectation that the Board will continue to act in the
23 same way that it's acted in the past.

24 So as the Board considers the kinds of changes
25 that they want to make, you also have to consider to what

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 extent there may be some reliance on the part of
2 operators or anybody who is regulated by the Board to
3 take into account that reliance or expectation aspect.
4 That's something that really comes into that pattern that
5 I was talking about, about what a reasonable board would
6 follow, but I don't think that's in the policy or the
7 regulation.

8 BOARD MEMBER PAPARIAN: That was the only
9 related policy I saw here. So it's not really a policy
10 of the Board per se.

11 BOARD MEMBER JONES: The gas?

12 MS. TOBIAS: Acquisition of land.

13 BOARD MEMBER JONES: That's a law. That's
14 statute that it's an option.

15 MS. NAUMAN: I don't believe so, Mr. Jones. I
16 have understood it always to be more of a practice, as
17 it's a strategy to address the problem of long-term gas
18 violations, and our long-term policy is what addresses
19 how to revise a permit in light of the fact there is that
20 ongoing violation.

21 BOARD MEMBER JONES: My turn.

22 CHAIR MOULTON-PATTERSON: Mr. Jones, yes.

23 BOARD MEMBER JONES: I think two things. One,
24 wasn't there a discussion at the Board prior to me ever
25 getting here about how to issue permits that have

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 long-term gas violations and didn't the Board then come
2 up with this long-term gas? So it wasn't a case of a lot
3 of permits coming forward so we established a precedent.
4 It was a policy discussion about what are the benefits to
5 leaving a facility unpermitted versus dealing with it as
6 a long-term violation and what latitude did the Board
7 have.

8 MS. TOBIAS: As I recall, it came up because we
9 knew that a permit was coming forward where there were
10 long-term gas violations, and the staff basically brought
11 forward to the Board that very issue of should we keep up
12 a permit or a landfill that has long-term gas violations
13 which are expensive to fix or which take a number of
14 years, is it better to have that facility permitted and
15 fixing their gas violations or to sit out there with
16 either an outdated permit or no permit given the amount
17 of time it takes to address a gas violation. So that's
18 when the Board adopted that policy.

19 BOARD MEMBER JONES: My other point was I like
20 the idea of having a workshop on these things. I don't
21 know if January is enough time. It's a couple of months.
22 I would also ask that Subtitle D, Title 14, Title 27,
23 Title 15 be looked at because if you look at Title 14,
24 when it talks about 5 percent gas in testing, it triggers
25 more testing, it triggers getting an idea of what the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 scope of the problem is, and it is there to protect the
2 human health and safety at the perimeter, at the boundary
3 line.

4 So I would like -- the discussion is good to
5 have on what the pros and cons or whatever, but it can
6 only be delivered, I think, with an understanding of what
7 the regulations are and what they do because nowhere that
8 I've ever seen does the fact that there is gas trigger a
9 violation. It only triggers that you start a process to
10 identify and determine how that moves. Now, that may be
11 understated. Maybe it is a violation of state minimum
12 standards, but it's the trigger, it's the trigger --

13 BOARD MEMBER ROBERTI: I don't know. Based on
14 what I heard last month, it sounded to me like it
15 triggers a violation of state minimum standards, but my
16 own position is, to put it on the board, that the 5
17 percent violation per se is an indication that the public
18 health is at hazard.

19 BOARD MEMBER JONES: At the boundary.

20 BOARD MEMBER ROBERTI: Yes. Is at hazard at
21 the boundary, and since it's escaping gas, probably
22 anything within the periphery, within a reasonable area
23 of the boundary. I don't think it can be corrected by an
24 expansion of the site because we're talking about
25 escaping gas.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 The 5 percent itself is an indication of
2 violation and that does not require much, if any, further
3 substantiations from us because the legislature or the
4 Congress has made the initial findings and came up with 5
5 percent. Had they chosen, they could have come up with
6 10 percent, 15 percent or 20 percent, but they came up
7 with 5 percent.

8 I think it is an error for us to say that we
9 have to second guess and embellish or gild the lily based
10 on what Congress has already found. To put an added
11 burden on the regulatory body, that is not in the regs
12 and I don't think it's in the statute or the law.

13 These are my own preliminary feelings as far as
14 how much of a record we have to build, and it's always
15 best to build up a maximum record, but as to how much of
16 a record we have to build before we say that there's a
17 violation here and we are not going to agree to an
18 expansion or an extenuation.

19 So I just want to put that on the table because
20 I guess Billy Wright is coming up next month. We can
21 take a little bit more time on the others, but Billy
22 Wright we're going to have to make some decision in this
23 area because we have no choice.

24 BOARD MEMBER JONES: Are you saying the issues I
25 bring up about what the trigger points are is an

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 embellishment about what the Congress has just said?

2 BOARD MEMBER ROBERTI: Yes. I tend to think so.

3 BOARD MEMBER JONES: Really?

4 BOARD MEMBER ROBERTI: I tend to think so based
5 on the fact that the way we mitigate is to expand the
6 landfill.

7 BOARD MEMBER JONES: The 5 percent -- and Madam
8 Chair, I'll stop here in two seconds but I've just been
9 accused of --

10 BOARD MEMBER ROBERTI: No, no, no. Please.

11 BOARD MEMBER JONES: -- embellishing and --

12 BOARD MEMBER ROBERTI: Please, no.

13 BOARD MEMBER JONES: I'm not going to walk away
14 from that.

15 BOARD MEMBER ROBERTI: You asked me the
16 question and you used the word.

17 BOARD MEMBER JONES: No, what I said was let's
18 have the full discussion.

19 BOARD MEMBER ROBERTI: Steve, please don't take
20 personally policy differences.

21 BOARD MEMBER JONES: I don't. That part I like,
22 but when it comes to --

23 BOARD MEMBER ROBERTI: Don't use the word
24 accuse. I'm not accusing you of anything. The only
25 thing I'm accusing you of is that we don't agree.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 BOARD MEMBER JONES: That's fine. It's happened
2 before and it will happen again --

3 BOARD MEMBER ROBERTI: It's happened again.

4 BOARD MEMBER JONES: -- that part I don't mind,
5 but in reading the law I want the benefit of -- I don't
6 care who you want to pick in this audience to read the
7 law and understand the law because Congress approved
8 Subtitle D and we approved Title 14, 15 and 27 to comply,
9 and I'm -- that's my point --

10 BOARD MEMBER ROBERTI: Yes.

11 BOARD MEMBER JONES: -- is that they are
12 different animals.

13 BOARD MEMBER ROBERTI: And I will tell you that
14 I am thinking out loud now based on my own preliminary
15 investigation of the issue. I no more want to be pressed
16 into saying that everything I'm saying came off the
17 mountain top and I'm down here with the caverns. I'm
18 trying to figure this one out myself, but please don't
19 assume that my having a disagreement with you means I'm
20 accusing you of anything.

21 BOARD MEMBER JONES: I don't. It's just when
22 you say embellishment --

23 BOARD MEMBER ROBERTI: I didn't say -- you said
24 embellishment and I thought okay. That's fine. If
25 that's the word you want to use, I'll say yes.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 CHAIR MOULTON-PATTERSON: Mr. Jones, had you
2 finished?

3 BOARD MEMBER JONES: I did and then some.
4 (Laughter)

5 CHAIR MOULTON-PATTERSON: Mr. Medina is next.

6 BOARD MEMBER MEDINA: Given that we have five
7 minutes remaining --

8 CHAIR MOULTON-PATTERSON: And we have one public
9 speaker.

10 BOARD MEMBER MEDINA: These are all relevant
11 issues and it does make sense to review existing policy
12 and I look forward to having that opportunity. I think
13 the idea of a workshop for the Board is a good one
14 because we have some very good discussions during the
15 workshops.

16 I am, however, adverse to suspending all
17 policies at such time and I think current policies should
18 remain in place until such time as we have an opportunity
19 to review them. I think it's also important that on
20 those policies which we all agree on that we can live
21 with, we should move on to the ones that have greater
22 urgency to be reviewed, some of the ones that have been
23 mentioned. So I look forward to doing that.

24 CHAIR MOULTON-PATTERSON: Thank you, Mr. Medina.

25 Mr. Paparian, and I would like to speak for a

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 second.

2 BOARD MEMBER PAPARIAN: One of the things that I
3 was talking about a few minutes ago was related to one of
4 the state minimum standards and I just wanted to state my
5 understanding that the State -- that this Board does have
6 some discretion through the regulatory process to
7 investigate those state minimum standards and make
8 alterations if it believes those alterations are
9 justified.

10 The state minimum standards were adopted, I
11 believe, about ten years ago, and they may still be just
12 as good as they were ten years ago or we may have better
13 information at this point as to what should be a state
14 minimum standard and at what level we should set that
15 minimum standard. That's what I think we ought to take a
16 look at over the coming months.

17 CHAIR MOULTON-PATTERSON: I'm sorry, Mr. Eaton.

18 BOARD MEMBER EATON: I just wanted to find out
19 what time the tour started tomorrow?

20 CHAIR MOULTON-PATTERSON: Okay. 9:00, I think.
21 Just so we have some closure here, I'm hearing the
22 majority of the Board say they want to look at these
23 policies, regulations and the federal regulations at -- I
24 think it's going to take more than one workshop, but in a
25 timely manner, say through January. Is that the

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 agreement of the Board? Did you want to prioritize them
2 or have staff prioritize them?

3 BOARD MEMBER ROBERTI: It's more neutral if
4 staff does it.

5 BOARD MEMBER JONES: I think Mr. Medina is
6 right. There's an awful lot of them we'll probably have
7 a disagreement with. Why waste our time?

8 BOARD MEMBER ROBERTI: The first meeting come up
9 with the ones the staff don't think we have any
10 disagreement with or we're neutral on, and if they're
11 wrong, we'll say so.

12 CHAIR MOULTON-PATTERSON: Does staff have enough
13 direction? And I'm sorry I'm rushing, it's just the time
14 constraints with this room.

15 MS. FISH: How about if we come up with a list
16 of priorities and then work with your staff to make sure
17 that we have the correct priority order and then schedule
18 maybe a two- or three-day workshop for January to begin
19 going through them.

20 BOARD MEMBER ROBERTI: I would say -- next month
21 is November. I think we can get the agreement reached
22 upon out of the way in November, come up with the list of
23 ones that we don't agree on, and then I would say start
24 working on the easier ones in December and January.

25 MS. FISH: Okay. So ones the Board would be

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 fine with to come forward in November, and then ones that
2 we believe will take further work and possibly a workshop
3 in December.

4 CHAIR MOULTON-PATTERSON: Right, and then with
5 the thought we could go through January.

6 MS. FISH: And the workshop would be in January.

7 CHAIR MOULTON-PATTERSON: Can you handle that?

8 (Laughter)

9 CHAIR MOULTON-PATTERSON: I don't mean you
10 personally, but the November part, the --

11 MS. FISH: We do have a fairly large agenda for
12 November which is -- you know, I hate to bring up the
13 move thing again, but we are moving beginning November
14 2nd. So November is a little difficult. And then
15 December we have a fairly full agenda, but we'll do the
16 best we can.

17 CHAIR MOULTON-PATTERSON: Okay. Well, we
18 appreciate that.

19 BOARD MEMBER MEDINA: During the holidays.

20 MS. FISH: That, too.

21 CHAIR MOULTON-PATTERSON: And we do have one --
22 that brings us to the end of our agenda except for public
23 comment. We have Kevin Metcalf from the Humboldt County
24 Division of Environmental Health.

25 MR. METCALF: Yes. Thank you, Madam Chair and

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 Members of the Board.

2 I am in receipt of a letter from Michael
3 Schmaeling, the LEA for Santa Barbara County, on Item 32.
4 He wasn't here to present it today, so he asked that I
5 read into the record, but I can see that many of the
6 Board Members are headed in the right direction on the
7 points that Michael was making, so maybe I'll just
8 summarize one of his points here.

9 Michael says that since the Board policy affects
10 so many different groups, he would like to request that
11 each policy be listed as a separate agenda item and that
12 ample notification be given to all concerned groups. I
13 think that's where you're headed.

14 CHAIR MOULTON-PATTERSON: Thank you for your
15 patience. We appreciate it.

16 MR. METCALF: I also had something else to say
17 to the Board too in public hearing. Should I stay up
18 here?

19 CHAIR MOULTON-PATTERSON: Well, it's public
20 hearing now.

21 MR. METCALF: Great.

22 CHAIR MOULTON-PATTERSON: You're on.

23 MR. METCALF: I worked for the Humboldt Division
24 of Environmental Health and I've been with the Division
25 for 15 years. The past five years I've served as the LEA

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 and for the County of Humboldt and seven of the
2 incorporated cities.

3 During these five years of managing the permits,
4 permitting and inspection program, I've seen there's a
5 lot to do about solid waste and I've witnessed the
6 classic struggle between centralized authority and local
7 control. I've also taken several opportunities to
8 participate on committees and work groups and participate
9 in training workshops and to comment on proposed policy
10 and regulations. The Board has inspired many thoughts,
11 some of which do not require response, some which require
12 response and some which are saved for later. Just like
13 today, inspired more thoughts.

14 The one thing that stands out worth noting and I
15 would like to acknowledge today is that the Board's
16 programs for illegal disposal and waste tire site
17 remediation, these programs have gone a long way towards
18 resolving health and safety and environmental problems in
19 our area. Over the last five years within Humboldt
20 County funds provided by the Board have enabled the
21 cleanup of the Wichapeck illegal disposal site, the South
22 Spit (phonetic) illegal disposal sites, the Capel Road
23 illegal disposal site and currently the Humboldt
24 Transport illegal waste tire site which is currently
25 under remediation.

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 These total over a million dollars, and I would
2 just like to say on behalf of the residents of Humboldt
3 County we thank the Board for causing these cleanups to
4 happen. I hold these programs up for something that
5 works, gets things done and I believe is not equaled by
6 any other board, and I suggest or recommend that you keep
7 these programs together as long as they're in need.

8 CHAIR MOULTON-PATTERSON: Thank you very much.
9 Thank you. For Mr. Eaton's question and all of ours,
10 Ms. Covington-Webb was ill and couldn't be here so we
11 kind of need to know about our site visits, what time and
12 where to be. Does anybody have any information on that?

13 MS. TOBIAS: Well, I'm just reading off of this.

14 MS. CITRINO: I have a printed page which has
15 the locations and times for the different sites with
16 directions. And in the interest of helping everybody to
17 make sure they get to the same place at the same time, I
18 have a two-sided map which has Eureka and its locations
19 on one side and Arcata and its locations on the other
20 side.

21 CHAIR MOULTON-PATTERSON: Thank you so much. We
22 appreciate your help on this meeting.

23 Thank you to the members of the audience and
24 we'll adjourn the October meeting.

25 * * *

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

1 STATE OF CALIFORNIA

2

3

4 I, Terri L. Emery, CSR 11598, a Certified
5 Shorthand Reporter in and for the State of California,
6 do hereby certify:

7 That the foregoing proceedings were taken
8 down by me in shorthand at the time and place named
9 therein and was thereafter transcribed under my
10 supervision; that this transcript contains a full, true
11 and correct record of the proceedings which took place
12 at the time and place set forth in the caption hereto.

13

14

15 I further certify that I have no interest
16 in the event of the action.

17

18

19 EXECUTED this 30th day of November, 2000.

20

21

22

23

24

Terri L. Emery

25

Please note: These transcripts are not individually reviewed and approved for accuracy.

BARNEY, UNGERMANN & ASSOCIATES 1-888-326-5900

Please note: These transcripts are not individually reviewed and approved for accuracy.